This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

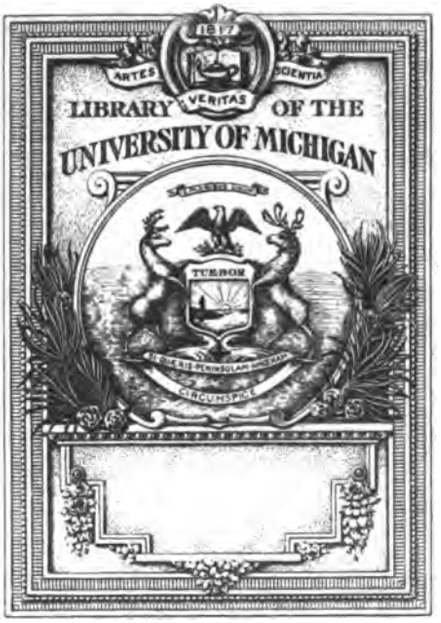
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

B 1,101,578



RECEIVED IN EXCHANGE
FROM
Missouri University

AS
36
.M671
S7

ASSYRIAN HISTORIOGRAPHY
A SOURCE STUDY

THE UNIVERSITY OF MISSOURI STUDIES

SOCIAL SCIENCE SERIES
VOLUME III NUMBER 1

ASSYRIAN HISTORIOGRAPHY

A Source Study

By
ALBERT TEN EYCK OLMSTEAD
Associate Professor of Ancient History

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
May, 1916

THE
UNIVERSITY OF MISSOURI
STUDIES

SOCIAL SCIENCE SERIES
VOLUME III NUMBER 1

ASSYRIAN HISTORIOGRAPHY

A Source Study

By
ALBERT TEN EYCK OLMSTEAD
Associate Professor of Ancient History

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
May, 1916

General
Exch.
Missouri Univ.

CONTENTS

CHAPTER I PAGE

Assyrian Historians and their Histories..... 1

CHAPTER II

The Beginnings of True History
(Tiglath Pileser I).....10

CHAPTER III

The Development of Historical Writing
(Ashur nasir apal and Shalmaneser III).....15

CHAPTER IV

Shamshi Adad and the Synchronistic History.....29

CHAPTER V

Sargon and the Modern Historical Criticism.....36

CHAPTER VI

Annals and Display Inscriptions
(Sennacherib and Esarhaddon).....43

CHAPTER VII

Ashur bani apal and Assyrian Editing.....53

CHAPTER VIII

The Babylonian Chronicle and Berossus.....59

CHAPTER I

ASSYRIAN HISTORIANS AND THEIR HISTORIES

To the serious student of Assyrian history, it is obvious that we cannot write that history until we have adequately discussed the sources. We must learn what these are, in other words, we must begin with a bibliography of the various documents. Then we must divide them into their various classes, for different classes of inscriptions are of varying degrees of accuracy. Finally, we must study in detail for each reign the sources, discover which of the various documents or groups of documents are the most nearly contemporaneous with the events they narrate, and on these, and on these alone, base our history of the period.

To the less narrowly technical reader, the development of the historical sense in one of the earlier culture peoples has an interest all its own. The historical writings of the Assyrians form one of the most important branches of their literature. Indeed, it may be claimed with much truth that it is the most characteristically Assyrian of them all.[1]

[1]This study is a source investigation and not a bibliography. The only royal inscriptions studied in detail are those presenting source problems. Minor inscriptions of these rulers are accorded no more space than is absolutely necessary, and rulers who have not given us strictly historical inscriptions are generally passed in silence. The bibliographical notes are condensed as much as possible and make no pretense of completeness, though they will probably be found the most complete yet printed. Every possible care has been taken to make the references accurate, but the fact that many were consulted in the libraries of Cornell University, University of Chicago, Columbia University, and the University of Pennsylvania, and are thus inaccessible at the time when the work is passing through the press, leaves some possibility of error. Dr. B. B. Charles, Instructor in

The Assyrians derived their historical writing, as they did so many other cultural elements, from the Babylonians. In that country, there had existed from the earliest times two types of historical inscriptions. The more common form developed from the desire of the kings to commemorate, not their deeds in war, but their building operations, and more especially the buildings erected in honor of the gods. Now and then we have an incidental reference to military activities, but rarely indeed do we find a document devoted primarily to the narration of warlike deeds. Side by side with these building inscriptions were to be found dry lists of kings, sometimes with the length of their reigns, but, save for an occasional legend, there seem to have been no detailed histories.[1] It was from the former type that the earliest Assyrian inscriptions were derived. In actual fact, we have no right to call them historical in any sense of the word, even though they are our only sources for the few facts we know about this early period. A typical inscription of this type will have the form "Irishum the vice gerent of the god Ashur, the son of Ilushuma the vice gerent of the god Ashur, unto the god Ashur, his Lord, for his own life and for the life of his son has dedicated". Thus there was as yet little difference in form from their Babylonian models and the historical data were of the slightest. This type persisted until the latest days of the Assyrian empire in the inscriptions placed on the bricks, or, in slightly more developed form, in the inscriptions written on the slabs of stone used for the adornment of palace or temple. For these later periods, they rarely have a value other than for the

Semitics in the University of Pennsylvania, has kindly verified those where error has seemed at all likely.—For the English speaking reader, practically all the inscriptions for the earlier half of the history are found in Budge-King, *Annals of the Kings of Assyria. 1.* For the remainder, Harper, *Assyrian and Babylonian Literature*, is adequate, though somewhat out of date. Rogers, *Cuneiform Parallels to the Old Testament*, gives an up to date translation of those passages which throw light on the Biblical writings. Other works cited are generally of interest only to specialists and the most common are cited by abbreviations which will be found at the close of the study.

architectural history, and so demand no further study in this place. Nevertheless, the architectural origin of the historical inscription should not be forgotten. Even to the end, it is a rare document which does not have as its conclusion a more or less full account of the building operations carried on by the monarch who erected it.

It was not long until the inscriptions were incised on limestone. These slabs, giving more surface for the writing, easily induced the addition of other data, including naturally some account of the monarch's exploits in war. The typical inscription of this type, take, for example that of Adad nirari I,[1] has a brief titulary, then a slightly longer sketch of the campaigns, but the greater portion by far is devoted to the narration of his buildings. This type also continued until the latest days of the empire, and, like the former, is of no value where we have the fuller documents.

When the German excavations were begun at Ashur, the earliest capital of the Assyrian empire, it was hoped that the scanty data with which we were forced to content ourselves in writing the early history would soon be much amplified. In part, our expectations have been gratified. We now know the names of many new rulers and the number of new inscriptions has been enormously increased. But not a single annals inscription from this earlier period has been discovered, and it is now becoming clear that such documents are not to be expected. Only the so-called "Display" inscriptions, and those with the scantiest content, have been found, and it is not probable that any will be hereafter discovered.

It was not until the end of the fourteenth century B. C., with the reign of Arik-den-ilu, that we have the appearance of actual annalistic inscriptions. That we are at the very begin-

[1]BM. 90,978; IV. R. 44f.; G. Smith, *Assyr. Discoveries*, 1875, 242ff.; Pognon, JA. 1884, 293ff. Peiser, KB. I. 4ff.; Budge-King, 4ff.; duplicate Scheil, RT. XV. 138ff.; Jastrow, ZA. X. 35ff; AJSL. XII. 143ff.

ning of annalistic writing is clear, even from the fragmentary remains. The work is in annals form, in so far as the events of the various years are separated by lines, but it is hardly more than a list of places captured and of booty taken, strung together by a few formulae.[1]

With this one exception, we do not have a strictly historical document nor do we have any source problem worthy of our study until the time of Tiglath Pileser I, about 1100 B. C. To be sure, we have a good plenty of inscriptions before this time,[2] and the problems they present are serious enough, but they are not of the sort that can be solved by source study. Accordingly, we shall begin our detailed study with the inscriptions from this reign. Then, after a gap in our knowledge, caused by the temporary decline of Assyrian power, we shall take up the many problems presented by the numerous inscriptions of Ashur nasir apal (885-860 B. C.) and of his son Shalmaneser III (860-825 B. C.). In the case of the latter, especially, we shall see how a proper evaluation of the documents secures a proper appreciation of the events in the reign. With these we shall discuss their less important successors until the downfall of the dynasty. The revival of Assyrian power under Tiglath Pileser IV (745-728 B. C.) means a revival of history writing and our problems begin again. The Sargonidae, the most important of the various Assyrian dynasties, comprising Sargon (722-705 B. C.), Sennacherib (705-686 B. C.), Esarhaddon (686-668 B. C.), and Ashur bani apal (668-626 B. C.), furnish us a most embarassing wealth of historical material, while the problems, especially as to priority of date and as to consequent authority, become most complicated.

Before taking up a more detailed study of these questions, it is necessary to secure a general view of the situation we must

[1] Scheil, OLZ. VII. 216. Now in the Morgan collection, Johns, *Cuneiform Inscriptions*, 33.

[2] L. Messerschmidt, *Keilschrifttexte aus Assur*. I. Berlin 1911; *Mittheilungen der Deutschen Orient Gesellschaft;* cf. D. D. Luckenbill, AJSL. XXVIII. 153ff.

face. The types of inscriptions, especially in the later days of the empire, are numerous. In addition to the brick and slab inscriptions, rarely of value in this later period, we have numerous examples on a larger scale of the so called "Display" inscriptions. They are usually on slabs of stone and are intended for architectural adornment. In some cases, we have clay tablets with the original drafts prepared for the workmen. Still others are on clay prisms or cylinders. These latter do not differ in form from many actual annals, but this likeness in form should not blind us to the fact that their text is radically different in character.

All the display inscriptions are primarily of architectural character, whether intended to face the walls of the palace or to be deposited as a sort of corner stone under the gates or at the corners of the wall. We should not expect their value to be high, and indeed they are of but little worth when the corresponding annals on which they are based has been preserved. For example, we have four different recensions of a very long display inscription, as well as literally scores of minor ones, also of a display character, from the later years of Sargon. The minor inscriptions are merely more or less full abstracts of the greater and offer absolutely nothing new. The long display inscription might be equally well disregarded, had not the edition of the annals on which it is based come down to us in fragmentary condition. We may thus use the Display inscription to fill gaps in the Annals, but it has not the slightest authority when it disagrees with its original.

It is true that for many reigns, even at a fairly late date, the display inscriptions are of great value. For the very important reign of Adad nirari III (812-785 B. C.), it is our only recourse as the annals which we may postulate for such a period of development are totally lost. The deliberate destruction of the greater portion of the annals of Tiglath Pileser IV forces us to study the display documents in greater detail and the loss of all but a fragment of the annals of Esarhaddon makes for this period, too, a fuller discussion of the display inscriptions than would be otherwise necessary. In addition, we may note that there are a few

inscriptions from other reigns, for example, the Nimrud inscription of Sargon, which are seemingly based on an earlier edition of the annals than that which has come down to us and which therefore do give us a few new facts.

Since, then, it is necessary at times to use these display inscriptions, we must frankly recognize their inferior value. We must realize that their main purpose was not to give a connected history of the reign, but simply to list the various conquests for the greater glory of the monarch. Equally serious is it that they rarely have a chronological order. Instead, the survey generally follows a geographical sweep from east to west. That they are to be used with caution is obvious.

Much more fortunate is our position when we have to deal with the annalistic inscriptions. We have here a regular chronology, and if errors, intentional or otherwise, can sometimes be found, the relative chronology at least is generally correct. The narrative is fuller and interesting details not found in other sources are often given. But it would be a great mistake to assume that the annals are always trustworthy. Earlier historians have too generally accepted their statements unless they had definite proof of inaccuracy. In the last few years, there has been discovered a mass of new material which we may use for the criticism of the Sargonide documents. Most valuable are the letters, sometimes from the king himself, more often from others to the monarch. Some are from the generals in the field, others from the governors in the provinces, still others from palace officials. All are of course absolutely authentic documents, and the light they throw upon the annals is interesting. To these we may add the prayers at the oracle of the sun god, coming from the reigns of Esarhaddon and Ashur bani apal, and they show us the break up of the empire as we never should have suspected from the grandiloquent accounts of the monarchs themselves. Even the business documents occasionally yield us a slight help toward criticism. Add to this the references in foreign sources such as Hebrew or Babylonian, and we hardly need internal study to convince us that the annals are far from reliable.

Yet even internal evidence may be utilized. For example, when the king is said to have been the same year in two widely separated parts of the empire, warring with the natives, it is clear that in one of these the deeds of a general have been falsely ascribed to the king, and the suspicion is raised that he may have been at home in Assyria all the time. That there are many such false attributions to the king is proved by much other evidence, the letters from the generals in command to their ruler; an occasional reference to outside authorities, as when the editor of the book of Isaiah shows that the famous Ashdod expedition was actually led by the Turtanu or prime minister; or such a document as the dream of Ashur bani apal, which clearly shows that he was a frightened degenerate who had not the stamina to take his place in the field with the generals whose victories he usurped.

Again, various versions differ among themselves. To what a degree this is true, only those who have made a detailed study of the documents can appreciate. Typical examples from Sargon's Annals were pointed out several years ago.[1] The most striking of these, the murder of the Armenian king Rusash by —the cold blooded Assyrian scribe,— has now been clearly proved false by a contemporaneous document emanating from Sargon himself. Another good illustration is found in the cool taking by Ashur bani apal of bit after bit of the last two Egyptian campaigns of his father until in the final edition there is nothing that he has not claimed for himself.

The Assyrians, as their business documents show, could be exceedingly exact with numbers. But this exactness did not extend to their historical inscriptions. We could forgive them for giving us in round numbers the total of enemies slain or of booty carried off and even a slight exaggeration would be pardonable. But what shall we say as to the accuracy of numbers in our documents when one edition gives the total slain in a battle as 14,000, another as 20,500, the next as 25,000, and the last as 29,000! Is it surprising that we begin to wonder whether the

[1] Olmstead, *Western Asia in the Reign of Sargon of Assyria*, 1908.

victory was only a victory on the clay tablet of the scribe? What shall we say when we find that the reviser has transformed a booty of 1,235 sheep in his original into a booty of 100,225! This last procedure, the addition of a huge round number to the fairly small amount of the original, is a common trick of the Sargonide scribe, of which many examples may be detected by a comparison of Sargon's Display inscription with its original, the Annals. So when Sennacherib tells us that he took from little Judah no less than 200,150 prisoners, and that in spite of the fact that Jerusalem itself was not captured, we may deduct the 200,000 as a product of the exuberant fancy of the Assyrian scribe and accept the 150 as somewhere near the actual number captured and carried off.

This discussion has led to another problem, that of the relative order of the various annals editions. For that there were such various editions can be proved for nearly every reign. And in nearly every reign it has been the latest and worst edition which has regularly been taken by the modern historians as the basis for their studies. How prejudicial this may be to a correct view of the Assyrian history, the following pages will show. The procedure of the Assyrian scribe is regularly the same. As soon as the king had won his first important victory, the first edition of the annals was issued. With the next great victory, a new edition was made out. For the part covered by the earlier edition, an abbreviated form of this was incorporated. When the scribe reached the period not covered by the earlier document, he naturally wrote more fully, as it was more vividly in his mind and therefore seemed to him to have a greater importance. Now it would seem that all Assyriologists should have long ago recognized that *any one of these editions is of value only when it is the most nearly contemporaneous of all those preserved. When it is not so contemporaneous, it has absolutely no value when we do have the original from which it was derived.* Yet it still remains true that the most accessible editions of these annals are those which are the latest and poorest. Many of the earlier and more valuable editions have not been republished for many

years, so that for our most contemporaneous sources we must often go to old books, long out of print and difficult to secure, while both translation and commentary are hopelessly behind the times. Particularly is this the case with the inscriptions of Sennacherib and Ashur bani apal. The greatest boon to the historian of Assyria would be an edition of the Assyrian historical inscriptions in which would be given only those editions or portions of editions which may be considered as contemporaneous and of first class value. With such a collection before him, notable as much for what it excluded as for what was included, many of the most stubborn problems in Assyrian history would cease to be problems.

The historian of Assyria must test his sources before he can use them in his history. To do this, he must first of all be able to distinguish the primary sources which will reward future study from those which are secondary and are based on other and more contemporary documents which even now are actually in our possession. When these latter are cast aside as of no practical value, save perhaps as they show the peculiar mental operations of the Assyrian editor, we are then ready to test the remainder by the various methods known to the historian. The second part of this task must be worked out by the historian when he studies the actual history in detail. It is the discovery of what are the primary sources for the various reigns and of the value of the contributions which they make to Assyrian history that is to be the subject of the more detailed discussion in the following chapters.

CHAPTER II

THE BEGINNINGS OF TRUE HISTORY

(Tiglath Pileser I)

We shall begin, then, our detailed study of the sources for Assyrian history with the data for the reign of Tiglath Pileser I. (circa 1100 B. C.). Taking up first the Annals, we find that the annalistic documents from the reign may be divided into two general groups. One, the Annals proper, is the so called Cylinder, in reality written on a number of hexagonal prisms.[1] First comes the praise of the gods and self praise of the ruler himself. Then follow the campaigns, not numbered as in the more developed style of later rulers, but separated into six sections, for the six years whose events are narrated, by brief glorifications of the monarch. Next we have the various hunting exploits of the king, and the document ends with an elaborate account of the building operations and with threats against the later ruler who should destroy the inscription or refuse credit to the king in whose honor it was made.

No relationship has been made out between the fragments, but the four fairly complete prisms fall into two groups, A and C, B and D, as regards both the form of writing and the char-

[1]Photographs of B and A, Budge-King, xliii; xlvii; of the Ashur fragments, of at least five prisms, Andrä, *Anu-Adad Tempel*, Pl. xiii ff. I R. 9ff.; Winckler, *Sammlung*, I. 1ff.; Budge-King, 27ff., with variants and BM numbers. Lotz, *Inschriften Tiglathpilesers* I, 1880; Winckler, KB. I. 14ff. Rawlinson, Hincks, Talbot, Oppert, JRAS. OS. XVIII. 150ff.; Oppert, *Histoire des empires de Chaldée et d'Assyrie*, 1865, 44f.; Menant, 35ff.; Rawlinson, RP[1], V. 7ff.; Sayce RP[2], I. 92ff.; Muss-Arnolt in Harper, 11ff.; MDOG. 25, 21f.; 28, 22; 29, 40; 47, 33; King, *Supplement*, 116; Andrä, *Tempel*, 32ff.

acter of the text. All date seemingly from the same month of the same year, though from separate days. The most fragmentary of these, D, seems the best, as it has the smallest number of unique readings and has also the largest number of omissions,[1] all of which are clearly interpolations in the places where they are given. This is especially true of the one[2] which refers to the Anu-Adad and Ishtar temples, for not only is the insertion awkward, we know from the Obelisk[3] that the Anu-Adad temple was not completed till year five, so that it must be an interpolation of that date. In spite of its general resemblance to D, especially in its omissions, B is very poorly written and has over two hundred unique readings. One of its omissions would seriously disarrange the chronology,[4] others are clearly unwarranted,[5] and one long addition[6] further marks its peculiar character. Our conclusion must be that it is a poor copy of a good original. C is between A and B, agreeing with the latter in a strange interpolation[7] and in the omission of the five kings of the Muski.[8] A is the latest but best preserved, while the character of the text warrants us in making this our standard as it has but few unique readings and but one improbable omission.[9] The same account, in slightly different form and seemingly later in date[10] is also found in some tablet inscriptions.[11]

[1] II. 21b-23a; III. 37b-39a; IV. 36.
[2] IV. 36.
[3] II. 13.
[4] IV. 40-42.
[5] II. 79-81; V. 4; VIII. 29b-33.
[6] VII. 17-27; also I. 35; different in VI. 37.
[7] III. 2a-c.
[8] I. 63b. King, *Supplement*, 116 follows C.
[9] VII. 105-8.
[10] K. 2815 is dated in the eponomy of Ninib nadin apal, the LAH MA GAL E official. He probably is after the rab bi lul official in whose year the hexagons are dated.
[11] Budge-King, 125 n.3; K.2815, with different conclusion; 81-2-4, 220, where reverse different; K.12009; K.13840; 79-7-8, 280; 89-4-26, 28; Rm. 573; Winckler, AOF. III. 245.

A second annalistic group is that postulated as the original of the so called Broken Obelisk. Of documents coming directly from Tiglath Pileser himself, the only one that can with any probability be assigned to this is the tiny fragment which refers to the capture of Babylon.[1] But that such a group did exist is proved by the extracts from it in the obelisk prepared by a descendant of Tiglath Pileser, probably one of his sons, Shamshi Adad or Ashur bel kala.[2] Only the upper portion, probably less than half to judge by the proportions, is preserved, and even this is terribly mutilated. Fortunately, the parts best preserved are those relating to the years not dealt with in the Annals. The first half of the document is devoted to the campaigns of Tiglath Pileser, then come his hunting exploits, and only a bit at the end is reserved for the building operations of the unknown ruler under whom it was erected. Its source seems to have had the same relation to the earliest form of the Annals that the Obelisk of Shalmaneser III had to the Monolith, that is, it gave the data for the earlier part of the reign, that covered by the other source, very briefly, only expanding as it reached a period where the facts were not represented by any other document. That our earlier Annals, or perhaps rather, one of its sources, was a main source of our second type, is proved by the coincidences in language in the two, in one case no less than twenty signs the same,[3] not to speak of the hunting expeditions. But this earlier Annals was not the only, or at least not the direct source for the Obelisk, nor was that source merely a fuller recension of it. Data for the first six years, not found in the earlier Annals, are

[1] K. 10042; Winckler, AOF. I. 387.

[2] Photograph, Budge-King, 11; Paterson, *Assyr. Sculptures*, 63. I R. 28; III R. 4, 1; Budge-King, 128ff. Lotz, *op. cit.*, 196ff.; Peiser, KB. I. 122ff.; Talbot, JRAS. OS. XIX. 124ff.; Houghton-Finlay, RP[1], XI. 9ff.; Oppert, *Hist.*, 132ff.; Hommel, *Gesch.*, 532ff.; Menant, 49ff. Proved to Tiglath Pileser, Lotz, *op. cit.*, 193f.; cf. Budge-King, 131 n. 4, though Streck, ZA. XVIII. 187ff., still believes that it belongs to an earlier king. Found at Nineveh, though it deals with Ashur constructions.

[3] In year V we have *ishtu...adi alu Kargamish sha matu Hatte...isu elippe pl mashku tahshe.*

given in the Obelisk,[1] while our document also, for the first time in Assyrian historical inscriptions, dates the events by the name of the eponym for the year, and, still more unusual, by the month as well. That the Obelisk may be considered merely a resume of this original source is shown by the statement that he conquered other lands and made many wars, but these he did not record.[2] As they seem to have been given after the hunting feats, in the lost lower part of column IV, we may assume that all that preceded is taken from that source. Furthermore, we are given the other hunting exploits "which my [father] did not record."[3] The numbers of beasts killed, which the scribe intended especially to emphasize, have never, curiously enough, been inscribed in the blanks left for their insertion.[4]

Opposed to the Annals proper are the Display inscriptions in which chronological considerations and details as to the campaigns are subordinated to the desire to give a general view of the monarch's might. Two have been found in foreign lands, one at the source of the Tigris,[5] the other near Melazgerd in Armenia.[6] Drafts for similar inscriptions have been found on clay tablets, written for the use of the workmen who were to incise

[1]Obl. I. 17, reference to Marduk nadin ahe, King of Akkad; II. 1, one thousand men of land of...; II. 2, four thousand of them carried prisoner to Assyria, the position of which shows that it cannot, with Budge-King, 132 n., be referred to Ann. III. 2, the Kashi; II. 12, the Mushki (?); II. 13, temple of Anu and Adad. These all precede the Carchemish episode.

[2]Obl. IV. 37.

[3]Obl. IV. 33.

[4]E. g., Obl. IV. 4.

[5]Discovery, J. Taylor, cf. H. Rawlinson, *Athenaeum*, 1862, II. 811; 1863, I. 229. III R. 4, 6; Schrader, *Abh. K. Preuss. Akad.*, 1885, I. Winckler, *Sammlung*, I. 30: Budge-King, 127 n. 1. Meissner, *Chrestomathie*, 6; Abel-Winckler, 5; Menant, 49. Winckler, KB. I. 48f. Dated after the Arvad expedition as shown by reference to Great Sea of Amurru, and of same date as Melazgerd inscription, Belck, *Verh. Berl.*

[6]From Gonjalu, near Melazgerd, Belck-Lehmann, *Verh. Berl. Anthr. Ges.* 1898, 574. Photograph, Lehmann, *Sitzungsber. Berl. Akad.*, 1900, 627. Is this one of the "cuneiform inscriptions near Moosh" reported to Taylor, *Athenaeum*, 1863, I. 229?

them on stone. Of these, one, which is virtually complete as regards number of lines, seems to date from year four as it has no reference to later events.[1] It would then be our earliest extant source. It is also of value in dating the erection of the palace whose mention shows that the tablet is complete. That the compiler had before him the document used by the Annals in its account of the Nairi campaign[2] is proved by his writing "from Tumme to Daiene" for these are the first and last names in the well known list of Nairi states. The order of the tablet is neither chronological nor geographical. Another tablet dates from year five to which most of its data belong. In the first half, it follows the order of Tablet I, and in the remainder follows closely the words of its source in the Annals, merely abbreviating.[3] Possibly in its present form, it may be later than year five[4] for a third tablet of year ten duplicates this first part.[5] Unfortunately, this latter gives next to no historical data, but its reference to the "Lower Zab" and to the "Temple of Ishtar" may perhaps allow us to date to this same tenth year the highly important tablet which gives a full account of the campaign in Kirhi and Lulume and which also ends with the restoration of the Ishtar temple.[6] Here too and not with the Annals must be placed the fragment with the Arvad episode.[7]

[1]S. 1874; K. 2805, Tabl. I of Budge-King, 109ff. III R. 5; Winckler, *Sammlung*, I. 26ff.; cf. Lotz, *op. cit.*, 193; Tiele, Gesch., 159 n. 2; Meissner, ZA. IX. 101ff. Meissner's restoration of these as parts of one tablet in chronological order will not stand in view of the fact that I is complete in itself while there are variations in the order of Nairi and totally different endings.

[2]Ann. IV. 71ff.

[3]K. 2806 with K. 2804, Tabl. II of Budge-King, 116ff.

[4]The badly damaged reverse of K. 2806 has one reference to the Euphrates which *may* be connected with Obl. III. 24, probably of year IX.

[5]K. 2804, Tabl. V of Budge-King, 125f.

[6]K. 2807; 91-5-9, 196. III R. 5, 4; Tablet IV of Budge-King, 121ff. Winckler, AOF. III. 246. Hommel, *Gesch.*, 511f.

[7]Scheil, RT. XXII. 157. Restorations, Streck, ZA. XVIII. 186 n. 2. First attributed to Tiglath Pileser, Peiser, OLZ. III. 476; Winckler, ibid. IV. 296; cf. AOF. III. 247.—Bricks I R. 6, 5; Scheil, *op. cit.* 37; Winckler, *Sammlung*, I. 31; Budge-King, 127. Other inss., King, *Supplement*, 453, 488.

CHAPTER III

THE DEVELOPMENT OF HISTORICAL WRITING

(Ashur nasir apal and Shalmaneser III)

After the death of Tiglath Pileser, there is a period of darkness. A few bricks and other minor inscriptions give us the names of the rulers and possibly a bit of other information, but there is not a single inscription which is important enough to furnish source problems. It is not until we reach the reign of Tukulti Ninib (890-885) that we again have an Annals[1] and not until the reign of his son Ashur nasir apal (885-860) that we have problems of the sources.

The problem of the sources for the reign of Ashur nasir apal may be approached from a somewhat different angle than we took for those of Tiglath Pileser. Here we have a single document, the so called Annals, which gives practically all the known data of the reign. Earlier writers on the history of Assyria have therefore generally contented themselves with references to this one document, with, at most, an occasional reference to the others. This should not blind us, however, to the fact that the problem of the sources is by no means as simple as this. Indeed, for far the greater portion of the events given in the Annals, we have earlier and better sources. We may therefore best attack the problem as to the sources of the reign by working out the sources of the Annals.

Taking up the introduction to the Annals,[2] it at once strikes us as curious that it consists of a hymn to Ninib, at the entrance

[1]Scheil, *Annales de Tukulti Ninip* II, 1909; cf. Winckler, OLZ. XIII. 112ff.

[2]I R. 17ff.; Budge-King, 254ff.; Le Gac, *Les Inscriptions d'Assur-Nasir-Aplu* III. 1907, 1ff. Peiser, KB. I. 50ff.; H. Lhotzky, *Annalen*

to whose temple these slabs were placed, and not of a general invocation to the gods, beginning with Ashur, such as we are accustomed to find in other annalistic inscriptions. Further, we have other slabs in which this Ninib hymn occurs as a separate composition,[1] and this leads us to assume that it is not the original introduction. This is still further confirmed by the fact that we do find such a required invocation in the beginning of the Monolith inscription. Clearly, this is the original invocation. The second section of the Annals begins with the praise of the monarch, and here too begins the parallelism with the Monolith. The last events mentioned in the Monolith date from 880 and it is thus far earlier than our present edition of the Annals, which contains events from so late a date as 867. To this extent, then, the Monolith is a better document. It was not, however, the direct source of the Annals, as is shown by certain cases where the latter has preserved the better readings of proper names. Indeed, we should not over rate the Monolith, for it too is a compilation like its younger sister, and is by no means free from obvious mistakes, though in general better than the Annals.[2] For some portions of this earlier section, we have also separate slabs with small portions of the text,[3] and these regularly agree with the Monolith as against the Annals.[4]

Asurnazirpals, 1885. Oppert, *Expédition en Mésopotamie*, 1863, I. 311ff.; Rodwell, RP[1], III. 37ff.; Sayce, RP[2], II. 134ff.; Menant, 67ff.; *Manuel*, 1880, 335ff.

[1]Slabs 27-30, Budge-King, 255 n. — Other invocations are the Bel altar at Kalhu, BM. 71, Budge-King 160; Strong, JRAS. 1891, 157; and the Ishtar lion BM. 96, II R. 66, 1; S. A. Strong, RP[2], IV. 91f.; dupl. Budge-King, 206ff.

[2]BM. 847. Photograph, Budge-King, lxix; Paterson, *Assyr. Sculptures*, 64. I R. 27; Budge-King, 242ff.; cf. 254ff.; Le Gac, 129ff. Peiser, KB. I. 118ff. Menant, 66f.; Talbot, *Trans. Roy. Soc. Lit.*, VII. 189ff.; RP[1], VII. 15ff.

[3]BM. 90830, cf. Budge-King, 255 n.; L. 48f.

[4]I. 57, transposition; I. 69, the significant omission of *shadu;* and a large number of cases where they agree in spelling as against the Annals.

For the last of these years, 880, we have also the inscription from Kirkh,[1] which contains data for this year alone, and ends abruptly with the return from Nairi. This might be expected from its location at Tushhan, on the border of that country, and we are therefore warranted in assuming that it was set up here immediately after the return from the campaign and that in it we have a strictly contemporaneous document. Judged by this, the Annals, and even the Monolith, do not rank very high. Important sections are omitted by each, in fact, they seem to agree in these omissions, though in general they agree fairly closely with the account set up in the border city. It would seem as if the official narrative of the campaign had been prepared at Kirkh, immediately after its close, by the scribes who followed the army.[2] One copy of this became the basis of the Kirkh inscription while another was made at Kalhu and it was from this that the Monolith and Annals are derived.[3] From this, too, must have been derived the slab which gives a fourth witness for this section.[4]

With this year, 880, the Monolith fails us. But even if we had no other document, the Annals itself would show us that the year 880 was an important one in the development of our sources. At the end of the account for this year, we have a closing paragraph, taken bodily from the Ninib inscription, which may thus be assigned to 880. This is further confirmed by the manner in which this passage in the Annals abstracts the last lines of the Monolith,[5] which is repeated almost in its entirety at

[1] III R. 6; Budge-King, 222ff.; Le Gac, 137ff. Peiser, KB. I. 92ff.

[2] Cf. Johns, *Assyr. Deeds and Documents*, II. 168.

[3] Ann. II. 109, where Mon. has 300 as against 700 of Kir. and Ann., shows Ann. did not use Kir. through Mon.; Kir. has 40 as against 50 of the others in II. 111, and 200 for 2000 in II. 115; proper names such as Tushha for Tushhan show nearness of Mon. to Kir., but the likeness can hardly be considered striking.

[4] L. 48f.

[5] Ann. II. 125-135a is the same as the Ninib inscription 1-23a (BM. 30; Budge-King, 209ff.), and this in turn is merely a resume of the close of the Monolith.

the close of the Annals itself. The column thus ends a separate document, whose last line, giving a list of temples erected, seems to go back to one recension of the Standard inscription, which in its turn goes back to the various separate building inscriptions.

That the Annals itself existed in several recensions is indicated by the fact that, while there are no less than at least seventeen different duplicates of Column I,[1] there are but seven of II and five of III; that there is one of II only[2] and one of III;[3] and that there is still another, in at least three exemplars, in which parts of the Standard and Altar inscriptions are interpolated between the Ninib invocation and the main inscription.[4]

The year 880 marks also the removal of the capital from Nineveh to Kalhu,[5] which indicates that to this year we are to attribute the majority of the building inscriptions. But, as they are all more or less identical with the closing section of the Annals, we may best discuss them in that place. Continuing with the Annals, we now reach a section where it is the only source. And just here the Annals is lacking in its most essential feature, an exact chronology, no doubt because the dated year was not given in the source, though the months are carefully noted! In the last of the years given in this section, probably 876, we are to place the various bull and lion inscriptions, which in general agree with this portion of the Annals.[6] One of these bull inscriptions, as well as the text of the great altar, adds a good bit in regard to the hunting expeditions, which may be dated, so far as they can be dated at all, to this year.[7] Here too we must

[1]Le Gac, *Introd.*

[2]Le Gac, iii. [3]Ibid. 126f.

[4]Ibid, ii; 123f. (B).

[5]First mentioned as starting point of an expedition in 879, Ann. III. 1.

[6]Bulls 76, 77; Lions 809, 841. Budge-King, 189ff.; Le Gac, 181ff. Made up of brief attribution to king, then regular building text, then duplicates of Ann. III. 84ff.

[7]Bull 77; Budge-King, 201ff.; Peiser KB. I. 124f.; Altar, L. 43ff.; Le Gac, 171ff.

place the Mahir document,[1] describing the erection of a temple to that deity at Imgur Bel, as is shown by the specific reference to a campaign to the Lebanon for the purpose of securing cedar. The years 875-868 seem to have been years of peace, for the only reference we can attribute to them is an expedition to the Mehri land for beams to erect a temple at Nineveh[2] and so to this period we must assign the Ishtar bowl inscriptions.[3] Finally, we have the campaign of 867, the last fixed date in the reign of Ashur nasir apal, and the reason for compiling the latest edition of the Annals. For this year, and for this alone, this latest edition has the value of a strictly contemporaneous document.[4]

The last section of the Annals consists of the building account, found also in nearly all the other inscriptions, though naturally here it is in the form it last assumed. It may be seen in greater or less fulness in the so called Standard Inscription,[5] the short account so monotonously repeated on the slabs at Kalhu and so familiar to all who have visited any Museum where Assyrian antiquities are preserved. There seem to be two recen-

[1] V R. 69f.; Budge-King, TSBA. VII. 59ff.; Budge-King, 167ff. S. A. Strong, RP², IV. 83ff.; Harper, 29ff.

[2] Ann. III. 91f.

[3] III R. 3, 10; Budge-King, 158ff.; S. A. Strong, RP², II. 95.

[4] Ann. III. 92ff.

[5] L. 1ff.; Schrader, *Inschrift Asur-nasir-abals;* Talbot, *Proc. Soc. Antiquaries of Scotland*, VI. 198ff.; Meissner, *Chestomathie*, 7f.; Abel-Winckler, 6. RP², VII. 11ff.; Ward, *Proc. Amer. Oriental Soc.*, X. xcix; Budge-King, 212ff.; Le Gac, 153ff. The number of slabs containing this inscription which may be found in the various Museums of Europe and America is simply amazing. No full collection or collation of these has ever been made. Many are still exposed to the destructive effects of the atmosphere at Nimrud and are rapidly being ruined. Squeezes of these were taken by the Cornell Expedition. Others at Ashur, MDOG., xxi. 52; KTA. 25. Several are in the newly opened section of the Constantinople Museum, cf. Bezold, *Ztf. f. Keilschriftforschung*, I. 269. An unknown number is in the British Museum, and were utilized by Budge-King, l. c. Streck. ZA. XIX. 258, lists those published from European Museums. These are Edinburgh, Talbot l. c.; Copenhagen, Knudtzon, ZA. XII. 256; St. Petersburg, Jeremias, ZA. I. 49; Bucharest, D. H. Müller, *Wiener Ztf. f. Kunde d. Morgenlandes*, XIII. 169ff.; Dresden,

sions, a longer and a shorter,[1] and some, to judge from the variations in the references, are much later than 880. The same inscription essentially is also found as the ending of the Ishtar, Mahir, Calah Palace,[2] Calah wall,[3] Bulls, and Ninib inscriptions.[4] Variants are few, but are not without value in fixing the relative dates of the various recensions. For example, some of the Standard inscriptions, as well as the Ishtar and Mahir ones, insert a reference to "Mount Lebanon and the Great Sea" which would place them after 876, and this is confirmed by the reference to Liburna of Pâtina which occurs in the Annals and the Calah wall inscription. Of course, this gives only the

Jeremias, *l. c.;* Zürich, Bezold, *Literatur*, 71; Cannes, Le Gac, ZA. IX. 390; Lyons, Ley, RT. XVII. 55; Rome, O. Marucchi, *Museo Egizio Vaticano*, 334; Bezold, ZA. II. 229. In addition, there are, according to Budge-King, *l. c.*, copies at Paris, Berlin, Munich, the Hague, etc. For the Berlin inscriptions, cf. *Verzeichnis der vorderasiatischen Altertümer*, 92ff.; 101. No less than 59 are known to have been or to be in America. The majority have been listed by Ward, *op. cit.*, xxxv, and Merrill, *ibid.* xci. ff.: cf. *Bibliotheca Sacra.* xxxii. 320ff. Twelve in the possession of the New York Historical Society have not been on exhibition since the society moved into its new quarters, and are completely inaccessible, the statements in the guide books to the contrary notwithstanding. The Andover slab is published by Merrill, *op. cit.* lxxiii, and the one from Amherst by Ward, *l. c.* These were presented by Rawlinson and Layard to missionaries, and by them to the institutions named, as were the following: Yale University; Union College, Schenectady; Williams College; Dartmouth College; Middlebury College; Bowdoin College; Auburn (N. Y.) Theological Seminary; Connecticut Historical society at Hartford; Meriden (Conn.) Public Library; Theological Seminary of Virginia; Mercantile Library of St. Louis. An inscribed relief to which my attention has been called by Professor Allan Marquand, has been presented by Mr. Garrett to Princeton University. Three similar slabs, loaned by the late Mr. J. P. Morgan, are in the Metropolitan Museum in New York City.—In this place we may also note the brick inscriptions in America, listed by Merrill, *l. c.*, as well as the statute inscription, III R. 4, 8; Menant, 65; Schrader, *Keilinschriften und das Alte Testament*,[2] 184.

[1]Le Gac, xvii.

[2]Budge-King, 173ff.; Le Gac, 188ff.

[3]Budge-King, 177ff.

[4]Budge-King, 209ff.

upper limit, for it would be dangerous to suggest a lower one in the case of documents which copy so servilely. Some of the Standard inscriptions, as well as the Bulls, have a reference to Urartu, of great importance as the first in any literature to the country which was soon to become the worthy rival of Assyria. Absence of such reference in the regular Annals is pretty conclusive evidence that there were no warlike relations, so that these too are to be dated after 876. With this is to be compared the addition telling of the conquest of Nairi, found in the Ishtar, Mahir, and Calah Palace inscriptions, and which would seem to refer to the same period. The Suhi, Laqe, and Sirqu reference, through its omission in the Monolith, is also of value as adding proof that that inscription dates to 880.[1]

Much the same situation as regards the sources is found in the reign of his son Shalmaneser III (860-825). Aside from a few minor inscriptions, our main source is again the official account which has come down to us in several recensions of different date. The process by which these recensions were made is always the same. The next earlier edition was taken as a basis, and from this were extracted, generally in the exact words of the original, such facts as seemed of value to the compiler. When the end of this original was reached, and it was necessary for the editor to construct his own narrative, the recital becomes fuller, and, needless to say, becomes also a better source. If, then, we have the original from which the earliest portion of a certain document was copied or abstracted, we must entirely cast aside the copy in favor of the contemporary writing. This would appear self evident, but failure to observe this distinction has led to more than one error in the history of the reign.[2]

[1]Minor inscriptions, L. 83f.; G. Smith, *Disc.*, 76; Budge-King, 155ff.; Le Gac, 172; the very fragmentary Obelisk, Le Gac, 207ff.; KTA. 25; MDOG. 20, 21ff.; 21, 15ff. King, *Supplement*, no. 192, 470, 1805. Hommel. *Zwei Jagdinschriften*, 1879, with photographs; Andrä, *Tempel*, 86ff.

[2]The majority of the inscriptions for the reign were first given in Layard, *Inscriptions*, and in the Rawlinson publication, cf. for first working over, Rawlinson, JRAS. OS. XII. 431ff. The edition of Amiaud-Scheil, *Les inscriptions de Salmanasar* II, 1890, though without cunei-

Each of these editions ends with the account of some important campaign, the need of writing up which was the reason for the collection of the events of previous years which were not in themselves worthy of special commemoration. The first of these is the one which ends with the famous battle of Qarqara in 854. This has come down to us in a monumental copy which was set up at Kirkh, the ancient Tushhan, and which has been named the Monolith inscription.[1] For the events of 860-854, then, we need go no further than this, for it is strictly contemporaneous with the events it describes. No actual errors can be pointed out in it, a seeming distortion of the chronology being due simply to the desire of the scribe to indicate the unity of two campaigns, carried out in different years, but against the same country.[2] How moderate are its numbers is shown by comparing its 14,000 killed at Qarqara with the 20,500 of the Obelisk, the 25,000 of the Bulls, and the 29,000 of the recently discovered statue from Ashur. As we shall see below, it is correct in giving no campaign for 855, though the Bulls inscription, written a generation later, has not hesitated to fill the gap. This is the only edition which seems to be entirely original and a comparison with those which are in large part compilations is favorable to it in every way. In fact, the oft repeated reproach as to the catalogue nature of the Shalmaneser writings is due to the taking of the Obelisk as a fair sample, whereas it stands at the other extreme, that of a document almost entirely made up by abridgement of other documents, and so can hardly be expected to retain much of the literary flavor of its originals. The Mono-

form text, is still valuable on account of its arrangement by years, as well as of its full notes, cf. also Winckler-Peiser, KB. I. 128ff. The one edition which is up to date is N. Rasmussen, *Salmanasser den II's Indskriften*, 1907, though the same may be said of the selections in Rogers, 293ff.

[1] III R 7f; Rasmussen, Iff.; 2ff. Photograph, Rogers, 537; *Hist.*, op. 226. Amiaud-Scheil, *passim;* Peiser, KB. I. 150ff. Menant, 105ff.; Sayce, RP[1], III. 83ff.; Scheil, RP[2], IV. 55ff.; Craig, *Hebraica*, III. 201ff.; Harper, 33ff.; cf. Jastrow, AJSL. IV. 244ff.

[2] II. 66.

lith, on the other hand, free from the necessity of abridging, will hold its own in literary value with the other historical writings of the Assyrians.

The next edition was prepared in 851, at the conclusion of the Babylonian expedition. The document as a whole is lost, but we have excerpts in the Balawat inscription.[1] For the years 859, 857, and 856, the excerpts are very brief, but fortunately this is of no importance as we have their originals in the Monolith. No mention is made of the years following until 852-851 which are described so fully that we may believe we have here the actual words of the document. It is interesting to notice that there is no particular connection between the reliefs on the famous bronzes[2] and the inscription which accompanies them. The latter ends in 851, the pictures go on to 849. The more conspicious pictures were brought up to date, but, for the inscription which few would read, a few extracts, borrowed from the edition of two years previous, sufficed. Incidentally, it shows us that no new edition had been made in those two years. For the years before 853, the practical loss of this edition need trouble us little as it seems merely to have copied the original of the Monolith. That it might have had some slight value in restoring the text of that lost original seems indicated by a hint of a fuller text in one place[3] and a more moderate number of enemies slaughtered in another.[4] For the events of 853, as given in this

[1]Pinches, PSBA. VII. 89ff.; *The Bronze Ornaments of the Palace Gates of Balawat*, 1880; Rasmussen, XIff.; Amiaud-Scheil, *passim;* Delitzsch, *Beitr. z. Assyr.*, VI. 133ff.; Winckler KB. I. 134ff. Scheil, RP², IV. 74ff.

[2]Pinches, *Bronze Ornaments*, a magnificent publication. A cheaper edition of the reliefs, with valuable analysis of and comments on the sculptures, Billerbeck; *Beitr. z. Assyr.* VI. 1ff. Additional reliefs owned by G. Schlumberger, Lenormant, *Gazette Arch.*, 1878 pl. 22ff. and p. 119ff. Still others, de Clerq, *Catalogue*, II 183ff., quoted Billerbeck, 2. I have not yet seen King, *Bronze Reliefs from the Gates of Shalmaneser*, 1915.

[3]II. 6f.

[4]Balawat kills but 300 while Monolith slaughters 3400.

edition, we have only the abstract of it in the Bulls inscription.[1]

The year 845, the year of the expedition to the sources of the Tigris, seems to mark the end of a third period, commemorated by a third edition, extracts from which are given in the inscriptions on the Bulls.[2] That it actually began with the year 850 is shown by the use of a new system of dating, by the king's year and the number of the Euphrates crossing. Comparison with passages preserved in the Balawat extracts shows that the work of excerpting has been badly done by the editor of the third edition. The capture of Lahiru is placed in the wrong year,[3] the graphical error of Ukani for Amukkani shows it derived from the Balawat edition, while variations between the two copies of the bull inscription indicate that we cannot be sure of the exact words of the original.[4] And we can also point to deliberate falsification in the insertion of an expedition to Kashiari against Anhitti of Shupria, when the older edition, the Monolith, knew of no expedition for the year 855. It has already been shown elsewhere that this is closely connected with the attempt of the turtanu (prime minister) Dan Ashur to date his accession to power to 856 instead of 854, and to hide the fact of the palace revolution which seems to have marked the year 855.[5]

From various hints, it is possible to prove that a fourth edition was prepared in 837, the end of the wars with Tabal. The most striking evidence for this is the fact that, after this year, the Obelisk suddenly becomes much fuller, a clear proof that the author knew that he was now dealing with events not previously written up. We may see, then, in the Obelisk account from 844 to 837 an abstract of the lost edition of 837. But we are not con-

[1]Bull 75ff.

[2]Discovery, Layard, NR. I. 59. L. 12ff.; 46f.; Rasmussen, XVff.; 42ff. Amiaud-Scheil, *passim;* Delitzsch, *op. cit.*, 144ff.; Menant, 113ff.

[3]Bull 79; cf. Balawat IV. 6.

[4]Variants in Amiaud-Scheil, *passim.* The most striking is the different text with which they end, cf. Amiaud-Scheil, 58 n. 1.

[5]Cf. below under the Obelisk, and, for fuller discussion, Olmstead, *Jour. Amer. Or. Soc.* XXXIV. 346f.

fined to this. One actual fragment of this edition is the fragment which deals with the events of 842 and is so well known because of its reference to Jehu.[1] The first half of this is also intercalated after the introduction to one of the Bull inscriptions, and before year four, thus showing that it was inserted to bring the edition of 845 up to date.[2] Based on this edition, though only in very brief abstract, seems also the so called throne inscription from Ashur, whose references to Damascus, Que, Tabal, and Melidi form a group which can best be correlated with the events of the years 839, 840, 838, and 837, respectively.[3] Another Ashur inscription on a royal statute gives selections from the events of the reign, up to 835, but its main source is evidently the same.[4]

But the strongest proof of the existence of this edition is to be found in the two fragments of clay tablets which are not, like all the preceding, epigraphical copies of the originals, but form part of the original itself.[5] These two bits are written in the cursive style, and, though their discoverer believed them to belong to separate documents, the fact that one so closely supplements the other, and that they have the same common relation to the other editions, justifies us in assuming that they really do belong together. At first sight, it might be argued that they are to be restored from the text of the Obelisk, with which they often agree verbally. Closer inspection shows, however, that they contain matter which is not found in that monument, and that therefore they belong to an earlier and fuller edition, yet the

[1] III R. 5, 6; Rasmussen, XXI; 56; Delitzsch, *Assyr. Lesestücke*[4], 51f. Amiaud-Scheil, 58; Winckler, KB. I. 140; Ungnad, I. 112; Rogers, 303f.

[2] L. 12f.; Rasmussen, XIX; 53.

[3] Discovery, Layard, NR. II. 46ff.; cf. G. Smith, TSBA. I. 77. L. 76f.; Craig, *Hebraica*, II 140ff.; Rasmussen, XXXVIII; 84ff.; Amiaud-Scheil, 74ff.; Delitzsch, *Beitr. z. Assyr.*, VI. 152f.; cf. Jastrow, *Hebraica*, V. 230ff.

[4] Andrä, MDOG. 21, 20ff.; 39ff.; Delitzsch, *ibid.* 52; KTA. 30; Langdon, *Expository Times*, XXIII, 69; Rogers, 298f.; 529.

[5] Boissier, RT. XXV. 82ff.

resemblance to the Obelisk is so close that they cannot be much earlier. On the other hand, the Bulls inscription can be compared for the events of 854-852 and this has all that our tablets have, plus a good bit more. They therefore belong between these two editions, and the only time we can place them is 837. Since the clay tablets so fully abstract the Bulls inscription wherever the latter is available for comparison, we may assume that in 857-855 they give the minimum of that inscription. Thus we have the editions of 845, of 837, and of 829, in a common line of descent. Although for 857-856, there are numerous verbal coincidences with the Balawat excerpts, it must be noted that not all the plus of our tablets appears in that document, and we can only assume a common source, a conclusion which well agrees with our characterization of the Balawat inscription as a series of mere extracts. That this common source was also the source of the Monolith seems proved by a certain similarity of phraseology as well as by the reference to Tiglath Pileser in connection with Pitru, but this similarity is not great enough fully to restore our plus passages. Unfortunately for the student of history, our tablets do not add any new facts, for, in the parts preserved, we already had the earlier representatives of the original sources from which the edition was derived. It does, however, throw a most interesting light on the composition and development of these sources.

Last and least valuable of all is the Obelisk.[1] Because of its most interesting sculptures and because it gives a summary of almost the entire reign, it has either been given the place of honor, or a place second to the Monolith alone. The current

[1]Discovery at Kalhu, Layard, NR. II. 282. Layard, *Monuments of Nineveh*, I. 53ff.; L. 87ff.; Abel-Winckler, 7f; Rasmussen, XXXIIIff.; 80ff. Amiaud-Scheil, *passim*; Winckler, KB. I. 128ff. Oppert, *Expéd.* I. 342; *Hist.* 108ff.; Menant, 97ff.; Sayce, RP[1], V. 29ff.; Scheil, RP[2], IV. 38; Jastrow, *Hebraica*, V. 230. Mengedoht, *Bab. Or. Rec.*, VIII, 111ff.; 141ff.; 169ff. Photographs and drawings too frequent for notice. Casts are also common, e. g., in America, Metropolitan Museum, N. Y. City; University of Pennsylvania; Haskell Museum, University of Chicago; Boston Museum of Fine Arts.

view is given by one of our most prominent Assyriologists as follows: "The first rank must be ascribed to the Black Obelisk, and for the reason that it covers a greater period of Shalmaneser's reign than any other.... It is clear then, that for a study of the reign of Shalmaneser II the black obelisk must form the starting point, and that, in direct connection with it, the other inscriptions may best be studied, grouping themselves around it as so many additional fragmentary manuscripts would around the more complete one which we hit upon, for a fundamental text."[1]

This view might be accepted were the problem one of the "lower criticism". Unfortunately, it is clearly one for the "higher" and accordingly we should quote the Black Obelisk only when an earlier edition has not been preserved. There is no single point where, in comparison with an earlier one, there is reason to believe that it has the correct text, in fact, it is, as might be expected in the case of a show inscription, filled with mistakes, many of which were later corrected, while in one case the engraver has been forced to erase entire lines.[2] Its date is 829, a whole generation later than the facts first related, and it can be shown that it is a formal apology for the turtanu (prime minister), Dan Ashur, glorifies him at the expense of his monarch, and attempts to conceal the palace revolution which marked his coming into power by changing the date of his eponomy from 854 to 856 and by filling in the year 855 with another event. Nor is it without bearing in this connection that it was prepared in 829, the very year in which the revolt of Ashur dan apal broke out as a protest against the control of his father by the too powerful turtanu.[3] As these last years of the reign were years of revolt, there is no reason for believing that there was another edition prepared, and the narrative of this revolt in the Annals of his son Shamshi Adad points in the same direction.

[1]Jastrow, *l. c.*

[2]Cf. the textual commentary in Amiaud-Scheil, *passim*, and especially 65 n. 6.

[3]Cf. Olmstead, *Jour. Amer. Or. Soc., l. c.*

Of documents which do not belong to this connected series, the most important is the recently discovered lion inscription from Til Barsip. Aside from its value in identifying the site of that important city and an extra detail or two, its importance is not great, as it is the usual type of display inscription.[1] The Tigris Tunnel inscription also has its main importance from the locality in which it was found.[2] Other brief inscriptions add a bit as to the building operations, which, curiously enough, are neglected in the official annals series.[3]

[1]R. C. Thompson, PSBA. XXXIV. 66ff.; cf. Hogarth, *Accidents of an Antiquary's Life*, op. 175.

[2]Scheil, RT. XXII. 38.

[3]L. 77f.; Amiaud-Scheil, 78; Rasmussen, XLI; 88f. Layard, NR. II. 46; I. 281. Bricks in America, Merrill, *Proc. Amer. Or. Soc.*, X. c; *Bibl. Sacra.* XXXII. 337ff.; Streck, *Ztf. Deutsch. Morg. Gesell.*, 1908, 758; Scheil, RT. XXVI. 35ff.; Pinches, PSBA. XXXII. 49f., of year I; KTA. 26ff.; 77; MDOG. 21, 20f.; 22, 29ff.; 22, 77; 28, 24f.; 31, 15; 32, 15ff.; 36, 16ff.; 48, 27; Andrä, *Tempel*, 41ff.; Taf. XX. XXIIf.

CHAPTER IV

SHAMSHI ADAD AND THE SYNCHRONISTIC HISTORY

The main source for the reign of Shamshi Adad (825-812) is the official Annals which exists in two recensions. One, written in archaistic characters, from the south east palace at Kalhu, has long been known. After the usual introduction, it deals briefly with the revolt of Ashur dan apal. No attempt is made to differentiate the part which deals with his father's reign from that of his own, and the single paragraph which is devoted to it gives us no real idea of its importance or of its duration. Then follow four expeditions, the first two given very briefly, the last rather fully. As the years of the reign are not indicated, there is considerable difficulty in obtaining a satisfactory chronology.[1] The other carries the record two years further, but has not yet been published.[2]

The long list of expeditions which the Assyrian Chronicle attributes to the reign of Adad nirari (812-783) indicates that he must have composed Annals, but they have not as yet been discovered. Of extant inscriptions, the earliest is probably that on the statue base of Sammuramat (Semiramis), in which she is placed before her son and emphasis is laid on the fact that she is the widow of Shamshi Adad rather than that she is the mother of the reigning monarch.[3] Next in time comes the inscription on the famous Nabu statue in which Adad nirari is placed first,

[1] IR. 29ff. Scheil, *Inscription Assyr. Archaïque de Samsi Ramman IV*, 1889. Abel, KB. I. 174ff. Oppert, *Hist.*, 122ff.; Menant, 119ff.; Sayce, RP[1], I. 11ff.; Harper, 45ff. For errors in writing cf. Scheil, VI; for use of rare words, *ibid.* VII.

[2] MDOG. 28, 31f. Through the courtesy of Dr. Andrä, I was permitted to see this in the excavation house at Ashur in 1908.—Cf. also the palace brick, Scheil, RT. XXII. 37.

[3] MDOG. 40, 24ff. 42, 34ff.

but with Sammuramat at his side, and which accordingly marks the decline of the queen mother's power.[1] Near the end of his reign must be placed the two Kalhu inscriptions in which Sammuramat is not mentioned. One refers to the conquests from the sea of the rising sun to the sea of the setting sun, a statement which would be possible only after the conquest of Kis in 786. This is the document which throws a vivid light on the early history of Assyria, but the remainder is lost[2] and a duplicate adds nothing new.[3] The other Kalhu inscription adds considerable material, but in a condensed form which makes it most difficult to locate the facts in time. The historical portion is divided into three sections which seem roughly to correspond with the chronological order. First comes a list of the peoples conquered on the eastern frontier, arranged geographically from south to north. As but two of these names are listed in the Assyrian Chronicle, and as each occurs several times, it is impossible to locate them exactly in time. The second section deals in considerable detail with an expedition against Damascus but the Chronicle does not list one even against central Syria. The fulness of this account shows that it took place not far from the subjugation of Kaldi land, the narrative of which ends the document and shows it to have been written not far from 786, its date in the Chronicle.[4]

For the remaining reigns of the dynasty, we have only the data in the Assyrian Chronicle. No annals or in fact any other inscription has come down to us, and, so far at least as the

[1]Rawlinson, *Monarchies*, II. 118 n. 7; Photograph, Rogers, 511; *Religion*, op. 86; I. R. 35, 2; Abel-Winckler, 14; Abel, KB. I. 192f.; Rogers, 307f.; Winckler, *Textbuch*[2], 27f.; Meissner, *Chrestomathie*, 10; Menant, 127f.

[2]Layard, NR. II. 26. L. 70; I. R. 35, 3; Delitzsch, *Lesestücke*[2], 99; Abel-Winckler, 13. Abel, KB. I. 188ff. Sayce, RP[1], I. 3ff.; S. A. Strong, RP[2], IV. 88f.; Harper, 50f.

[3]L. 70.

[4]Rawlinson, *Athenaeum*, 1856, 174; I R. 35, 1; Winckler, *Textbuch*[2], 26f. Abel, KB. I. 190ff.; Ungnad, I. 112f.; Rogers, 306f. Talbot, JRAS. XIX. 182ff.; Harper, 51f.; Meissner, *Chrestomathie*, 9; Menant, 126f.—Nineveh brick, I R. 35, 4. Abel, KB. I. 188f. Ashur inscriptions, KTA. 35f.; MDOG. 22, 19; 26, 62.

annals are concerned, there is little likelihood of their discovery, as there is no reason to believe that any were composed in this period of complete decline. But, curiously enough, from this very period comes the document which throws the most light on the earliest period of Assyrian expansion, the so called Synchronistic history.[1] Adad nirari is the last ruler mentioned, but the fact that he is named in the third person shows that it was compiled not earlier than the reign of his successor Shalmaneser IV.

Our present copy is a tablet from the library of a later king, seemingly Ashur bani apal.[2] In form, it marks an advance over any historical document we have thus far studied, for it is an actual history for many centuries of the relations between Assyria and Babylonia. But it is as dry as possible, for only the barest facts are given, with none of the mass of picturesque details which we have learned to expect in the annals of the individual kings. Nevertheless, its advance over preceding documents should not be over estimated. Its emphasis on treaties and boundaries has led to the idea that it was compiled from the archives as a sort of diplomatic pièce justificative in a controversy with Babylonia over the possession of a definite territory.[3] Its true character, however, is clearly brought out in its closing words "A succeeding prince whom they shall establish in the land of Akkad, victory and conquest may he write down, and on this inscribed stone (naru), eternal and not to be forgotten, may he [add it]. Whoever takes it, may he listen to all that is written, the majesty of the land of Ashur may he worship continually. As for Shumer and Akkad, their sins may he expose to all the regions of the world."[4]

[1] II R. 65, 1; III R. 4, 3; Winckler, *Untersuch.*, 148ff.; CT. XXXVI. 38ff.; cf. the introduction of Budge-King; King, *Tukulti Ninib.* Peiser-Winckler, KB. I. 194ff.; G. Smith, *Disc.* 250f.; Sayce, TSBA. II. 119ff.; RP[1], III. 29ff.; RP[2], IV. 24ff.; Barta in Harper, 196; cf. Winckler, AOF. I. 114ff.; Belck, *Beitr. Geog. Gesch.*, I. 5ff.

[2] Maspero, *Hist.*, II. 595, dates its composition to this reign.

[3] Peiser-Winckler, KB. I. 194 n. 1.

[4] IV. 22ff.

Obviously, then, this tablet of clay is only a copy of an earlier *naru* or memorial inscription on stone, and we should expect it to be only the usual display inscription. This is still further proved by the introduction, mutilated as it is, "...to the god Ashur...his prayer...before his face I speak....eternally a [tablet] with the mention....the majesty and victory [which the kings of Ashur mad]e, they conquered all, [the march] of former [expedi]tions, who conquered.....[their booty to their lands they br]ought..." Clearly, this is the language of a display inscription and not of a diplomatic pièce justificative. So we can consider our document not even a history in the true sense of the word, merely an inscription erected to the glory of Ashur and of his people, but with the "sins of Shumer and Akkad," in other words, with the wars of the Babylonians against "the land"[1] and with the sinful destruction of Assyrian property they caused, also in mind. When we take this view, we are no longer troubled by the numerous mistakes, even to the order of the kings, which so greatly reduce the value of the document where its testimony is most needed.[2] We can understand such "mistakes" in a display inscription, exposed to view in a place where it would not be safe for an individual to point out the truth. But that it could have been used as a pièce justificative, with all its errors, when the Babylonians could at once have refuted it, is incredible.

The accession of Tiglath Pileser IV (745-728) marks a return to warfare, and the consequent prosperity is reflected in an increase of the sources both in quantity and in quality.[3] Tiglath Pileser prepared for the walls of his palace a series of annals, in three recensions, marked by the number of lines to the slab, seven, twelve, or sixteen, and seemingly by little else. Originally they adorned the walls of the central palace at Kalhu,

[1]Cf. Belck, *Beitr. Geog. Gesch. I.* 5ff.—The double mention of Ashur bel kala and Shalmaneser points to double sources, one the original of BM. 27859, Peiser, OLZ. XI. 141.

[2]Cf. Winckler, AOF. I. 109ff.

[3]For inscriptions of reign, cf. Rost, *Keilschrifttexte Tiglat-Pilesers III;* cf. also Anspacher, *Tiglath Pileser*, 1ff.

but Esarhaddon, a later king of another dynasty, defaced many of the slabs and built them into his south west palace. Thus, even with the three different recensions, a large part of the Annals has been lost forever. For years, the great problem of the reign of Tiglath Pileser was the proper chronological arrangement of this inscription. Thanks to the aid of the Assyrian Chronicle, it is now fairly fixed, though with serious gaps. Once they are arranged, little further criticism is needed, for they are the usual type, rather dry and uninteresting to judge from the extant fragments.[1] Perhaps separate notice should be given to the sculptured slabs in Zürich with selections from the Annals.[2]

Next to the Annals comes the clay tablet from Kalhu, from which, if we are to judge by the proportions, less than a half has survived.[3] Thus, owing to the method used by the Assyrians in turning the tablet for writing, only the first and last parts are preserved. Unfortunately, the greater part of what is preserved is taken up with an elaborate introduction and conclusion which we would gladly exchange for more strictly historical data. The other contents are, first an elaborate account of the wars in Babylonia, next of the wars on the Elamite frontier, a brief paragraph on Ulluba and Kirhu, and then the beginning of the war with Urartu. Each of these paragraphs is marked off by a line across the tablet. Thus far, it is clear, we have a geographical order for

[1]Detailed bibliography of the fragments, Anspacher, *Tiglath Pileser*, 3ff.; Discovery, Layard, NR. II. 300. L. 19ff.; III R. 9f. Rost, *de inscriptione Tiglat-Pileser III quae vocatur Annalium*, 1892; Rost, Iff.; 2ff.; Winckler, *Textbuch*[3], 28ff. Ungnad I. 113ff.; Rogers, 313ff.; Schrader KB. II. 24ff.; Rodwell, RP[1], V. 45ff.; Menant, 144ff. For discussion of arrangements of fragments, cf. G. Smith, *Ztf. f. Aegyptologie*, 1869, 9ff.; *Disc.*, 266; Schrader, *Keilschrift und Geschichtsforschung*, 395ff.; *Abh. Berl. Akad.*, 1880; Tiele, *Gesch.*, 224; Hommel, *Gesch.*, 648ff.

[2]Boissier, PSBA. I have not seen his *Notice sur quelque Monuments Assyr. a l'université de Zürich*, 1912.

[3]Usually called the Nimrud inscription, a cause of confusion. K. 3751. Photograph of obverse, but upside down, Rogers, 541; *History*, op. 267. II R. 67; Rost, XXXVff; 54ff. Schrader, KB. II. 8ff.; Erneberg, JA. VII. Ser. VI. 441ff.; Menant, 140ff.; Smith, *Disc*,, 256ff.; Strong, RP[2], V. 115ff.; J. M. P. Smith, in Harper, 52ff.; Rogers, 322.

the paragraphs. After the break, we have an account of the Arab tribes on the border of Egypt. It is therefore clear that the order was continued in the break which must have contained the most of the Urartu account and whatever was said about Syria. The fulness with which the extant portion chronicles the Babylonian affairs makes it probable that the part now lost in the break dealt with Armenian and Syrian relations with equal fulness. The next paragraph seems to be a sort of summary of the various western rulers who had paid tribute, and the length of this list is another proof of the large amount lost. The very brief Tabal and Tyre paragraphs, out of the regular geographical order, are obvious postscripts and this dates them to year XVII (729), unless we are to assume that the scribe did not have them in mind when he wrote the reference to that year in the introduction. That they really did date to the next year, 728, is indicated by the fact that the Assyrian Chronicle seems to have had a Tyre expedition in that year.[1] If so, then our inscription must date from the last months of Tiglath Pileser's reign. Though written on clay, it is clearly a draft from which to engrave a display inscription on stone as it begins "Palace of Tiglath Pileser." The identity of certain passages[2] with the Nimrud slab shows close connection, but naturally the much fuller recital of the tablet is not derived from it. We have also a duplicate fragment from the Nabu temple at Kalhu and this is marked by obvious Babylonianisms.[3]

With the Nimrud clay tablet is easily confused the Nimrud slab.[4] This dates from 743 and is thus the earliest inscription from the reign. But its account is so brief that it is of but trifling value. It assists a little in conjecturing what is lost from the tablet and mention of an event here is naturally of value as

[1]Cf. Olmstead, *Jour. Amer. Or. Soc.*, XXXIV. 357.

[2]I. 5, 9ff., 16, 22, 47.

[3]DT. 3. Schrader, *Abh. Berl. Akad.* 1880, 15ff., with photograph. For the Babylonian character, cf. Rost, 11.

[4]Layard, NR. II. 33. L. 17f. Schrader, KB. II. 2ff.; Rost, 42ff.; Oppert, *Exped.*, 336; Smith, *Disc.*, 271; Meissner, *Chrestomathie*, 10f.; Menant, 138ff.

establishing a minimum date. But where both have preserved the same account, the tablet is the fuller, and, in general, better, even though it is so much later.[1]

[1]Other inscriptions, III R. 10, 3, the place list; 83-1-18, 215, Winckler, AOF. II. 3f.; painted fragments, Layard, *Nineveh and Babylon*, 140f.

CHAPTER V

SARGON AND THE MODERN HISTORICAL CRITICISM

The scources for the reign of Sargon (722-705)[1] have already been discussed in detail elsewhere. All that is here needed is a summary of results.[2] They fall into three well marked groups. The first includes the early inscriptions of the reign, which are miscellaneous in character.[3] The circumstances under which Sargon came to the throne are indicated by a tablet from the second year which is of all the more value in that it is not a formal annals or display inscription.[4] The Nimrud inscription comes from Kalhu, the earliest capital of Sargon. Unfortunately, it is very brief and is not arranged in chronological order. Aside from the rather full account of Pisiris of Carchemish, sufficient to date the inscription soon after its capture, we have only the briefest of references, and its value would be nothing, could we only secure the original, perhaps the earliest edition of the Annals, on which it is based.[5] A brief fragment may be noted because of its mention of the sixth year, though we cannot be sure of the class to which it belongs.[6] Other fragments are either unpublished or of no importance.[7]

[1]Collected in Winckler, *Keilschrifttexte Sargons*, 1889.

[2]Olmstead, *Western Asia in the Days of Sargon of Assyria*, 1908, 1ff.

[3]*Sargon*, 17ff.

[4]K. 1349; Winckler, *Sammlung*, II. 1; AOF. I. 401ff.

[5]L. 33f.; Winckler, *Sargon*, I. 168ff.; II. 48; Lyon, *Assyr. Manual*, 9f.; Peiser, KB. II. 34ff.; Menant, 204ff.

[6]K. 1660; Winckler, *Sammlung*, II. 4.

[7]K. 221+2669; K. 3149; K. 3150; K. 4455; K. 4463, Winckler, *Sammlung*, II. 6; K. 4471, *ibid.* II. 4; DT. 310; 83-1-18, 215. The unpublished fragments known from Bezold, *Catalogue, ad loc.*

As a proved source for the second group, the newly discovered tablet should begin our study.[1] From the standpoint of source study, it is of exceptional value as it is strictly contemporaneous and yet gives a very detailed account in Annals form of the events of a single year. The tablet was "written", probably composed, though it may mean copied, by Nabu shallimshunu, the great scribe of the King, the very learned, the man of Sargon, the eldest son of Harmaki,—seemingly an Egyptian name,—and inhabitant of the city of Ashur. It was brought (before the God Ashur?) in the limmu or eponym year of Ishtar duri, 714-713, and tells us of the events of 714. It is written on an unusually large tablet of clay and is in the form of a letter. It begins "To Ashur the father of the gods... greatly, greatly may there be peace. To the gods of destiny and the goddesses who inhabit E har sag gal kurkurra, their great temple, greatly, greatly may there be peace. To the gods of destiny and the goddesses who inhabit the city of Ashur their great temple, greatly, greatly may there be peace. To the city and its inhabitants may there be peace. To the palace which is situated in the midst may there be peace. As for[2] Sargon the holy priest, the servant, who fears thy great godhead, and for his camp, greatly, greatly there is peace." So this looks like a letter from the king to the god Ashur, to the city named from him, and to its inhabitants. Yet it is a very unusual rescript, very different from those which have come down to us in the official archives, especially in the use of the third person in speaking of the king, while in the regular letters the first is always found. Further, in the body of the supposed letter, the king, as is usual in the official annals, speaks in the first person.

However it may be with the real character of the "letter," there can be no doubt as to its great value. To be sure, we may see in its boast that in the campaign but six soldiers were lost a more or less severe stretching of the truth, but, at least in com-

[1]Thureau-Dangin, *Relation de la Huitième Campagne de Sargon*, 1912.

[2]So Thureau-Dangin, *ad loc.*

parison with the later records, it is not only much fuller, but far more accurate. Indeed, comparison with the later Annals shows that document to be even worse than we had dared suspect.

Comparison of the newly discovered inscription with the parallel passages of the broken prism B shows that this is simply a condensed form of its original. The booty seems to have been closely copied, but the topographical details are much abbreviated. The discovery of this tablet, while supplying the lacunae in Prism B, has made this part useless. But all the more clearly is brought out the superiority, in this very section, of the Prism over the later Annals. Naturally, we assume the same to be true in the other portions preserved, in fact, the discovery of the tablet has been a brilliant confirmation of the proof long ago given that this was superior to the Annals.[1] Unfortunately but a part of these fragments has been published[2] and the difficulties in the way of copying these fragments have made many mistakes.[3] But a few of these fragments have as yet been translated or even discussed.[4] For all parts of the reign which they cover, save where we have the tablet, they are now clearly seen to be our best authorities, nearer in date to the events they chronicle and much freer from suspicion than the Annals. The most urgent need for the history of the reign is that the fragments which are still unpublished[5] should be published at once with a collation of those previously given. Even a translation and examination of the fragments already published would mark a considerable advance in our knowledge of the period.[6]

[1]Olmstead, *Sargon*, 11ff., with reconstruction of the order of the various fragments, as against Prasek, OLZ. XII. 117, who sharply attacked me "über den historischen wert den Stab zu brechen."

[2]Winckler, *Sargon*, II. 45ff.; cf. I. xif. Photograph, Ball, *Light from the East*, 185. Thureau-Dangin, *op. cit.*, 76ff.

[3]To judge by a comparison of Winckler's text with that prepared by King for Thureau-Dangin, *l. c.*

[4]Winckler, *Sargon*, I. 186f.; AOF. II. 71ff.; *Mitth. Vorderas. Gesell.*, 1898, 1, 53; Thureau-Dangin, *l. c.*

[5]Cf. Bezold, ZA. 1889, 411 n. 1.

[6]For detailed study of Prism B, cf. Olmstead, *l. c.*

Very similar to Prism B is our other broken prism, A.[1] Both were found at Nineveh[2] and this of itself proves a date some distance from the end of the reign when Sargon was established at Dur Sharruken.[3] Prism A is of much the same type as the other, in fact, when we see how the Ashdod expedition, begun in the one, can be continued in the other,[4] we are led to believe that the two had a similar text. If, however, the Dalta episode in each refers to the same event, then they had quite different texts in this part of the history. Which of the two is the earlier and more trustworthy, if they did not have identical texts, and what are their relative relations cannot be decided in their fragmentary state, but that they are superior to the Annals is clear. Like Prism B, Prism A is worthy of better treatment and greater attention than it has yet been given.

The third group consists of the documents from about the year 707, which have come down to us inscribed on the walls of Sargon's capital, Dur Sharruken.[5] The earliest document of this group is naturally the inscription of the cylinders which were deposited as corner stones,[6] indeed, it closely agrees with the deed of gift which dated to 714.[7] The same inscription is also found on slabs.[8] It is the fullest and best account of the building of Dur Sharruken, and from it the other documents of the group seem to have derived their building recital. Nor are other phases of the culture life neglected, as witness, for example, the well

[1]Winckler, *Sargon*, II. 44; I. 186ff.; *Untersuch. Altor. Gesch.*, 118ff.; *Textbuch*[3], 41f.; Rogers, 329f.; G. Smith, *Disc.*, 288ff. Boscawen, *Bab. Or. Rec.* IV. 118ff. The Dalta episode and the beginning and end are still untranslated.

[2]G. Smith, *Disc.*, 147.

[3]Cf. Olmstead, *Sargon*, 14 n.

[4]As in Winckler, *Sargon*, I. 186ff.

[5]For discussion of this group, cf. Olmstead, *Sargon*, 6ff.

[6]Place, *Nineve*, II. 291ff.; Oppert, *Dour Sarkayan*, 11ff.; I R. 36; Lyon, *Keilschrifttexte Sargons*, 1ff. Winckler, *Sargon*, II. 43; Menant, 199ff.; Peiser, KB. II. 38ff. Barta, in Harper, 59ff.

[7]Cf. Olmstead, *Sargon*, 178f.

[8]Menant, RT. XIII. 194.

known attempt to fix prices and lower the high cost of living by royal edict.

The remaining inscriptions of the group are all closely related and all seem derived from the Annals. The display inscription gives the data of the Annals in briefer form and in geographical order. Numbers are very much increased, and its only value is in filling the too numerous lacunæ of its original.[1] Imperfect recognition of its character has led many astray.[2] Other inscriptions of the group are incised on bulls, on foundaslabs, on bricks, pottery, and glass, or as labels on the sculptures. Save for the last, they are of absolutely no value for the historian as they simply abstract from the Annals. As for the Cyprus stȍle, its location alone gives it a factitious importance.[3]

The one important document of the group, then, is the Annals. That, with all its value, it is a very much over estimated document, has already been shown.[4] There are four recensions, some of which differ widely among themselves and from other inscriptions. For example, there are three accounts of the fate of Merodach Baladan. In one, he is captured;[5] in the second he begs for peace;[6] in the third, he runs away and escapes.[7] Naturally, we are inclined to accept the last, which is actually confirmed by the later course of events.

But it is only when we compare the Annals with earlier documents that we realize how low it ranks, even among official in-

[1]Botta, *Mon. de Nineve*, 95ff.; Winckler, *Sargon*, II. 30ff.; I. 97ff. Oppert-Menant, *Fastes de Sargon*.-JA. 1863ff.; Menant, 180ff.; Oppert, RP[1], IX. 1ff.; Peiser, KB. II. 52ff.

[2]The error in connecting Piru and Hanunu, for example, already pointed out by Olmstead, *Sargon*, 10, is still held by S. A. Cook, art. Philistines, in the new *Encyclopedia Britannica*.

[3]For full bibliography of the minor inscriptions, cf. Olmstead, *Sargon*, 6f. For others since found at Ashur, cf. KTA. 37-42; 71; MDOG. 20, 24; 22, 37; 25, 28, 31, 35; 26, 22; 31, 47; Andrä, *Tempel*, 91ff.; Taf. XXI; Genouillac-Thureau-Dangin, RA. X. 83ff.

[4]Olmstead, *Sargon*, 3ff.

[5]Display 133.

[6]Annals V.

[7]Annals 349.

scriptions. Already we have learned the dubious character of its chronology. The Assyrian Chronicle has "in the land" for 712, that is, there was no campaign in that year. Yet for that very year, the Annals has an expedition against Asia Minor! It is prism B which solves the puzzle. In the earliest years, it seems to have had the same chronology as the Annals. Later, it drops a year behind and, at the point where it ends, it has given the Ashdod expedition as two years earlier than the Annals.[1] Even with the old data, it was clear that the Prism was earlier and therefore probably more trustworthy; and it was easy to explain the puzzle by assuming that years "in the land" had been later padded out by the Annals, just as we have seen was done for Dan Ashur under Shalmaneser III. Now the discovery of the tablet of the year 714 has completely vindicated the character of Prism B while it has even more completely condemned the Annals as a particularly untrustworthy example of annalistic writing.

In the first place, it shows us how much we have lost. The tablet has 430 lines, of which a remarkably small portion consists of passages which are mere glorifications or otherwise of no value. Out of this mass of material, the Annals has utilized but 36 lines. That this is a fair sample of what we have lost in other years is hardly too much to suspect. Further, it would seem that the Annals used, not the tablet itself, but, since it has a phrase common to the Annals and the Prism,[2] but not found in the tablet, either the Prism itself or a common ancestor.

The cases where we can prove that the editor of the Annals "improved" his original are few but striking. It is indeed curious that he has in a few cases lowered the numbers of his original, even to the extent of giving three fortified cities and twenty four villages[3] where the tablet has twelve fortified cities and eighty four villages.[4] On the other hand, by a trick especially common among the Sargonide scribes, the 1,235 sheep of

[1] Cf. Olmstead, *Sargon*, 11.
[2] Ann. 125f.; Prism B, Thureau-Dangin, *op. cit.*, 76f.
[3] Ann. 105.
[4] Tabl. 89.

the tablet[1] has reached the enormous total of 100,225![2] More serious, because less likely to be allowed for, is the statement that Parda was captured[3] when the original merely says that it was abandoned by its chief.[4] But the most glaring innovation of the scribe is where, in speaking of the fate of Rusash, the Haldian king, after his defeat, he adds "with his own iron dagger, like a pig, his heart he pierced, and his life he ended."[5] This has long been doubted on general principles,[6] but now we have the proof that it is only history as the scribe would like it to have been written. For the new inscription, while giving the conventional picture of the despair of the defeated king, says not a word of any suicide.[7] However, the tablet does elsewhere mention the sickness of Rusash,[8] and it may well be that it is to this sickness that we must attribute his death later.[9] The complete misunderstanding of the whole campaign by earlier writers[10] furnishes the clearest indication of the unsatisfactory character of our recital so long as we must rely entirely on the Annals. It is the discovery of conditions like these which forces us to subject our official inscriptions to the most rigid scrutiny before we dare use them in our history.[11]

[1]Tabl. 349.

[2]Ann. 129; cf. Thureau-Dangin, *op. cit.*, 68, n. 4 for comparison of numbers. The same phenomenon can be constantly seen in the huge increases of the numbers of the Display inscription as compared with its original, the Annals.

[3]Ann. 106.

[4]Tabl. 84.

[5]Ann. 139.

[6]Cf. Olmstead, *Sargon*, 111.

[7]Tabl. 411ff.

[8]*Ibid.* 115.

[9]Cf. Thureau-Dangin, *op. cit.*, xix.

[10]Compare, for example, the brief and inaccurate account in Olmstead, *Sargon*, 112ff., with that in Thureau-Dangin, *op. cit.* on the basis of the new tablet.

[11]Botta, *Monuments de Ninive*, pl. 70ff.; 104ff.; 158ff.; Winckler, *Sargon* II. pl. 1ff. Oppert in Place, *Ninive*, II. 309ff.; *Les Inscriptions de Dour Sarkayan*, 29ff.; RP[1] VII. 21ff.; Menant, 158ff.; Winckler, *De inscriptione quae vocatur Annalium*, 1886; *Sargon*, I. 3ff.

CHAPTER VI

ANNALS AND DISPLAY INSCRIPTIONS
(Sennacherib and Esarhaddon)

Of the sources for the reign of Sennacherib (705-686),[1] the chief is the Annals, added to at intervals of a few years, and so existing in several editions. As usual, the latest of these, the Taylor inscription, has been accorded the place of honor, so that the earliest edition, the so called Bellino Cylinder, can be called by a well known historian "a sort of duplicate of" the Taylor inscription.[2] As we have seen repeatedly, the exact reverse should be our procedure, though here, as in the case of Ashur nasir apal, the evil results in the writing of history are less serious than in the case of most reigns. This is due to the unusual circumstances that, with comparatively few exceptions, there was little omission or addition of the earlier data. Regularly, the new edition simply added to the old, and, as a result, the form of the mass of clay on which these Annals were written changes with the increased length of the document, the earlier being true cylinders, while the latter are prisms.[3] At the same time that the narrative of military events was lengthened, the account of the building operations followed suit. A serious defect is the fact that these documents are dated, not by years, but by campaigns, with the result that there are serious questions in chronology. The increase in the number of our editions, however, has solved many of these, as the date of the campaign

[1]The only fairly complete collection of sources for the reign is still Smith-Sayce, *History of Sennacherib*, 1878, though nearly all the data needed for a study of the Annals are given by Bezold, KB. II. 80ff. Extracts, Rogers, 340ff. Cf. also Olmstead, *Western Asia in the reign of Sennacherib, Proceedings of Amer. Historical Assn.*, 1909, 94ff.

[2]Maspero, *Histoire*, III. 273 *n. 1.*

[3]King, *Cuneiform Texts*, XXVI. 7f.

can now usually be fixed by observing in which dated document it last occurs.

Of the more than twenty five more or less complete documents, the first is the so called Bellino Cylinder which dates from October, 702. The fact that it has been studied separately has tended to prevent the realization that it is actually only a recension. As a first edition, it is a trifle fuller, but surprisingly little.[1] Next comes Cylinder B, now represented by six complete and seven fragmentary cylinders. It includes campaign three and is dated in May, 700.[2] Cylinder C dates from 697 and contains the fourth expedition.[3] The mutilated date of Cylinder D may be either 697 or 695, but as it has one campaign more than Cylinder C of 697, we should probably date it to the latter year.[4] From this recension seems to have been derived the display inscription recently discovered on Mt. Nipur, which was inscribed at the end of campaign five.[5]

Somewhat different from these is the newest Sennacherib inscription,[6] which marks the transition from the shorter to the longer cylinders.[7] After the narrative of the fifth campaign, two others are given, and dated, not by the number of campaign as in the documents of the regular series, but by the eponyms, so that here we have actual chronology. The two campaigns took place in 698 and 695 respectively, the inscription itself being dated in 694. That they are not dated by the campaigns of the

[1]K. 1680. Grotefend, *Abh. Göttingen, Gesell.* 1850. L. 63f. Smith-Sayce, 1f., 24ff., cf. 43ff. Oppert, *Exped.* I. 297ff.; Menant, 225ff.; Talbot, JRAS. XVIII. 76ff.; *Trans. Roy. Soc. Lit.*, VIII, 369ff.; RP[1], I. 23ff. It is the Bl. of Bezold.

[2]Smith-Sayce, 30, 70f., cf. 24, 43, 53; Evetts, ZA. III. 311ff.; for list of tablets, cf. Bezold, *l. c.*

[3]K. 1674; Smith-Sayce, 14, 76, cf. 30, 43, 53, 73, 78. The A 2 of Bezold.

[4]BM. 22,508; K. 1675; Smith-Sayce, 24, 30, 43, 53, 73, 79; King, *Cuneiform Texts*, XXVI. 38, cf. p. 10, n. 2. The A 8 of Bezold.

[5]Inscription at Hasanah (Hassan Agha?) King, PSBA. XXXV. 66ff.

[6]BM. 103,000; King, *Cuneiform Texts, XXVI;* cf. Pinches, JRAS. 1910, 387ff.

[7]King, *op. cit.*, 9.

king and that they are not given in the later editions is perhaps due to the fact that the king did not conduct them in person.[1] The occasion for this new edition is not to be found, however, in these petty frontier wars, but in the completion of the new palace, in the increase in the size of the city of Nineveh, in the building of a park, and in the installation of a water supply, as these take up nearly a half of the inscription. The recovery of this document has also enabled us to place in the same group two other fragments, now recognized as duplicates.[2]

At about the same time must be placed the various inscriptions on the bulls which were intended to decorate this new palace. One contains only five expeditions,[3] the other has a brief sketch of the sixth,[4] but both have references to the enthronement of the crown prince Ashur nadin shum in Babylon.[5] Still another gives a very full account of the sixth expedition, but there is no mention of Ashur nadin shum.[6] This dates very closely the inscriptions of the period. The new inscription was written in August of 694. At this time as well as when the inscription was placed on Bull II, the news of the sixth expedition, that across the Persian Gulf to Nagitu, had not yet come in. When this arrived, a brief account was hastily compiled and added to Bull III. But before a fuller narrative could be prepared, news came of the capture of Ashur nadin shum, which took place, as we know, soon after the Nagitu expedition, seemingly in the beginning of November.[7] The inscription on Bull IV

[1] King, *op. cit.*, p. 10.

[2] BM. 102, 996, King, *Cuneiform Texts*, XXVI. 38; cf. p. 15, n. 1; K. 4492, ibid. 39, not a reference to Tarbisi, as Meissner-Rost, *Bauinschriften*, 94f.; as is shown by King, p. 18 n. 1.

[3] Bull 2, Smith-Sayce, 3, 24, 30f., 43, 51f., 53, 67f., 73, 78f., 86. L. 60ff. (Bull 1 occurs only Smith-Sayce, 3.)

[4] Bull 3, Smith-Sayce, *l. c.*, and also 88f.

[5] Smith-Sayce, 30f.

[6] Bull 4, Smith-Sayce, 3f., 24, 32ff., 43, 51, 53, 65ff.; 73, 77ff., 89ff.; A. Paterson, *Palace of Sinacherib*, 5f.; III R. 12f.; L. 38ff.

[7] Bab. Chron. II. 36ff.; for *kat Tashriti* in line 40, cf. Delitzsch, *Chronik, ad loc.*

accordingly had an elaborate narrative of the Nagitu expedition, but all mention of the captured prince was cut out.

The last in the series of Annals editions is the Taylor Prism of 690, generally taken as the standard inscription of the reign, and substantially the same text is found on seven other prisms.[1] As has already been made evident, this is of no value for the earlier parts of the reign, since for that we have much better data, but it ranks well up in its class as comparatively little has been omitted or changed. Slightly earlier than the Taylor Cylinder is the Memorial or Nebi Yunus inscription, now at Constantinople, which ends about where the other does. Here and there, it has the same language as the Annals group, but these coincidences are so rare that we must assume that they are due only to the use of well known formulae. In general, it is an abridgement of earlier records, though a few new facts are found. But for the second half of the sixth expedition, the revolt of Babylon, it is our best source. Not only is it fuller than the Taylor prism, it gives a quite different account in which it is not the king but his generals who are the victors. Yet curiously enough, in the seventh expedition the Taylor cylinder is fuller and better.[2]

Here too we may discuss the Bavian inscription, the display inscriptions cut in the rock where began the irrigation works constructed to carry water to the capital. In their historical portions, they parallel the last campaign of the Taylor Prism, though

[1] BM. 91,032, often given in photograph, especially in the "*Bible Helps.*" A good photograph, Rogers, 543; *Hist.* op. 353. I R. 37ff; Smith-Sayce, *passim;* Delitzsch, *Lesestücke*[4], 54ff.; Abel-Winckler, 17ff. Hörnung, *Das Sechsseitige Prisma des Sanherib*, 1878; Bezold, KB. II. 80ff., with numbers of the duplicates; Oppert, *Les Ins. Assyr. des Sargonides*, 41ff.; Menant, 214ff.; Talbot, RP[1], I. 33ff.; Rogers, RP[2], VI. 80ff.; Harper, 68ff. Here also seem to belong the fragments 79-7-8, 305; K. 1665; 1651; S. 1026, as their text inclines toward that of the Taylor Prism.

[2] I R. 43; A. Paterson, *Palace of Sinacherib*, 3; Smith-Sayce, 7f., 39f., 68f., 86f., 102ff., 111ff., 127ff.; Bezold, KB. II. 118f.; cf. King, *Cuneiform Texts*, XXVI. p. 10 n. 1. Seen at Constantinople in 1907-1908.

in such different fashion that they may be considered separate sources. They then add the final capture and destruction of Babylon, of which they are the only Assyrian authority.[1] Here too may be mentioned the two fragments from the later part of the reign, on which is based a later expedition of Sennacherib against Palestine,[2] as well as a tablet which seems to be a draft of an inscription to be set up in Kirbit in commemoration of the flight of Merodach Baladan.[3]

To complete our study of the sources for the reign, the more specifically building inscriptions may be noted.[4] The greater part of what we know concerning the building operations of the reign comes from the documents already discussed. Of the specifically building inscriptions, perhaps the most important is the New Year's House inscription from Ashur,[5] and the excavations there have also given a good number of display inscriptions on slabs[6] and on bricks,[7] as well as some building prisms.[8]

Esarhaddon (686-668),[9] like the others of his dynasty, prepared elaborate Annals.[10] It is a poetic justice rarely found in history that the man who so ruthlessly destroyed the Annals of

[1]III R. 14; Pognon, *L'inscription de Bavian*, 1879; Smith-Sayce, 129ff.; 157; King, *Tukulti Ninib*, 114ff. Menant, *Nineve et l'Assyrie*, 234ff.; Pinches, RP[1], IX. 21ff.; Bezold, KB. II. 116ff. The order of date is B, C, A, D, Meissner-Rost, *Bauinschriften*, 67. Squeezes were secured by the Cornell Expedition.

[2]Smith-Sayce, 137f.; the later fragment, Scheil, OLZ. VII. 69f.; Ungnad, *Vorderas. Denkmäler*, I. 73ff.; in Gressmann, I. 121; Rogers, 345f.

[3]III R. 4, 4; Strong, JRAS. XXIII. 148ff.

[4]Meissner-Rost, *Bauinschriften Sanheribs*, 1893.

[5]MDOG. 33, 14.

[6]KTA. 43ff., 73f.; MDOG. 21, 13ff.; 22, 17ff.; 26, 27ff.; 43, 31; 44, 29.

[7]I. R. 7, VIII. H; Bezold, KB. I[1]14f.; KTA. 46-49; 72; MDOG. 20, 24; 21, 12ff.; 22, 15; 25, 36f.

[8]MDOG. 21, 37; 25, 22f.; 47, 39.

[9]Inscriptions of the reign collected by Budge, *History of Esarhaddon*, 1880.

[10]First reference, G. Smith, TSBA. III. 457. Boscawen, *ibid.* IV. 84ff.; III R. 35, 4; Budge, 114ff.; Rogers, *Haverford Studies*, II. Winckler, *Untersuch z. altor. Gesch.*, 97f.; Winckler, *Textbuch*, 52ff.; Ung-

Tiglath Pileser IV is today known to us by still smaller fragments of his own. Aside from five mutilated lines from the ninth expedition, only a part of the first expedition against Egypt has survived and that in a very incomplete manner. We are accordingly dependent for our knowledge of the reign on the display inscriptions, with all their possibilities for error, and only the Babylonian Chronicle gives a little help toward fixing the relative order of events.

The greater part of the history of the reign must be secured from the three most important cylinders. A and C are complete and are practically identical.[1] B is broken and was originally considerably fuller, but seems to be from the same general series.[2] The date of all three is probably 673.[3] In comparing the texts of A-C and B, we note that in the first part, there seem to be no important differences, save that B adds an account of the accession. In the broken part before this, B must have given the introduction and the murder of Sennacherib. Computation of the minimum in each column of B, based on the amount actually preserved in A and C, will give us some idea of what has been lost. Column II of B must have been devoted in part to the final defeat of the rebels and in part to the introduction to the

nad, I. 123; Rogers, 357ff. Cf. also G. Smith, *Disc.* 311ff.; Delattre, *L'Asie*, 149; Olmstead, *Bull. Amer. Geog. Soc.*, XLIV. 1912, 434.

[1]48-10-31, 2; L. 20ff.; I R. 45ff.; Abel-Winckler, 22ff.; Budge, 32ff.; Harper, *Hebraica*, III. 177ff.; IV. 99ff. Abel, KB. II. 124ff.; Oppert, *Ins. des Sargonides*, 53ff.; Talbot, *Jour. Sacr. Lit.*, IX. 68ff.; *Trans. Roy. Soc. Lit.*, VII. 551ff.; RP[1], III 109ff.; Menant, 241ff.; Harper, 81ff. C was used by R. for restoring A. Text, Harper, *Hebraica*, IV. 18ff., with the parallels 80-7-19, 15, and K. 1679. Also King, *Supplement*, 108f.

[2]48-11-4, 315; III R. 15f.; Budge, 20ff.; 97ff.; Harper, *Hebraica*, III. 177ff.; IV. 146ff.; Abel-Winckler, 25f. Winckler, KB, II. 140ff. Harper, 80f.; Menant, 248ff.; Talbot, RP[1], III. 102ff.; *North Brit. Rev.*, 1870, quoted Harper, *Hebr. l. c.*

[3]C is dated in the month Abu, cf. Harper, *Hebr.* IV. 24; B, according to Budge, *ad loc.*, has Abu of the year 673, but Winckler, *l. c.*, omits the month. If the month is to be retained, the identity of month points to identity of year, and there is nothing in B to prevent this conjecture. A is from Nebi Yunus, B from Koyunjik.

long narrative concerning Nabu zer lishir. As at least four lines were devoted to this introduction in the usually much shorter D, it must have been fairly long in B. Why A omitted all this is a question. That these two events are the first in the reign is made clear by the Babylonian Chronicle, so that thus far the chronological order has been followed. The next event in B and the first in A is the story of the Sidon troubles, and again the Chronicle shows it to be in chronological order. Since A has no less than 49 lines to deal with the events in the lost beginning of column III, it is clear that the much fuller B has here lost much. In the gap in Column IV, we are to place the Aduma narrative and the traces where we can begin to read show that they are in the conclusion of the Median troubles.[1] For the lost part of the fifth column, we must count the Iadi and Gambulu expeditions, and a part of the building narrative. About the same building account as in A must be placed at the commencement of column VI. The irregularity in the minimum numbers for the different columns, on the basis of A, shows that B had in some cases much longer accounts than in others, and this is confirmed where B gives a complete list of Arabian and of Syrian kings while A does not. These minimum numbers also indicate that but about one-fourth of B has been preserved. However, the over lapping gives us some reason to hope that nearly all its facts have been preserved in the one or the other edition.

We have already seen that strict chronology is followed by B, strange to relate, in the order, punishment of the assassins, 681, Babylon, 680, and Sidon, 677. Then A gives the Kundu troubles which, according to the Chronicle, follow in 676, and Arzani and the brook of Egypt, which fit well enough with the Egyptian expedition given under 675. These are the only sections we can date chronologically, and the order is chronologically correct. But whether we can assume this for all the events mentioned may be doubted in the light of the disagreement

[1] *Shepashun* of B. is the *shepushshun* of A. IV. 36, and the *elishun ukin* is virtually the same as *ukin sirushun*.

between A and B in their order. In placing the Arabs before Bazu, or the Babylonian Nabu zer lishir before Bit Dakkuri, A is clearly attempting a more geographical order. We shall then use B as our main source whenever preserved, supplemented by A when the former is missing, but we must not forget that all are simply display inscriptions.

Another display inscription of the same type we shall call D. It is close to B as is shown in the story of Nabu zer lishir, is seemingly briefer than that document, but is certainly fuller than A, and is independent of both. The order of events is Babylon, Egypt, Hubushna. As D omits Sidon and the Cilician cities, found in one of the others and proved to the period by the Babylonian Chronicle, it is clear that we have here only extracts, even though the events narrated are given more fully than in A.[1] Still another document of similar character may be called E. As it mentions the Uabu rebellion which is not in A, it should date after 673, and its order, Chaldaeans, Gambulu, Egypt, Arabs, Sidon, Asia Minor, is not chronological but geographical. It has some striking variants in the proper names, for example, we have here Musur, universally recognized as meaning Egypt, where A has Musri, and thus we have exact proof that Musri does equal Egypt, the advocates of the Musri theory, if any still survive, to the contrary notwithstanding.[2] It is also longer than A in the River of Egypt section, and than B in the Elam account. As a late document, it is of value only for the Uabu affair.[3] We may also note here another prism fragment[4] and a slab with a brief account of many campaigns. The first, that against Bazu, we know dates to 676. The others, to Uruk, to Buesh king of an unknown land, Akku, and the king of Elam, are of doubtful date, but are almost certainly later.[5]

[1] K. 2671; Winckler, ZA. II. 299ff.; AOF. I. 522.

[2] Cf. Olmstead, *Sargon*, 56ff.

[3] Winckler, ZA. II pl. II; AOF. I. 526ff.

[4] 80-7-19, 15; Winckler, *Untersuch. z. altor. Gesch.*, 98. Cf. King, *Supplement*, 109.

[5] K. 8544; Winckler, AOF. I. 532.—I have been unable to see Scheil, *Le Prisme S d'Assarhaddon.*

Finally, we must discuss two display inscriptions from the very end of the reign, whose importance is in no small degree due to the locality in which they were found. One is the famous stele discovered amid the ruins of the North Syrian town of Sinjirli. It dates after the capture of Memphis, 671, and seems to have been composed on the spot, as it shows no relationship to other inscriptions.[1] The same is probably true of the equally famous rock cut inscription at the Dog River (Nahr el Kelb), north of Berut. Though the oldest Assyrian inscription to have a cast taken, it seems never to have been published. It is rapidly disappearing, as the fact that it was cut through a very thin layer of hard rock has caused much flaking. Esarhaddon is called King of Babylon and King of Musur and Kusi, Egypt and Ethiopia, and the expedition against Tarqu, which ended with the capture and sack of Memphis, is given. Thus it agrees with the Sinjirli inscription and may well date from the same year.[2]

We have a considerable number of building inscriptions, but there are few source problems in connection with them.[3] Perhaps the most important is the prism which tells so much in regard to the earliest days of Assyria.[4] Another important document is the Black Stone, a four sided prism with archaistic writing. It was found at Nineveh, though it deals with the rebuilding of Babylon, and seems to date from the first year.[5] Two

[1]Photograph and text, Schrader, in Luschan, *Ausgrabungen in Sendschirli*, I. 11ff., and pl., cf. Rogers, 551; *Hist*, op. 399; Paterson, *Sculptures*, 103. Harper, 90ff. I have been able to consult squeezes in the library of Cornell University.

[2]Translation, G. Smith, *Eponym Canon*, 167ff. The text, so far as I know, has never been published, even in connection with the elaborate study of the Nahr el Kelb sculptures by Boscawen, TSBA. VII. 345. I have been able to use the squeeze taken in 1904 in connection with Messrs. Charles and Wrench, but much less can now be seen than what Smith evidently found on the cast. Cast, Bonomi, *Trans. Roy. Soc. Lit.*, III. 105; *Nineveh and its Palaces*, 5f. 86. 142ff., 367.

[3]Collected in Meissner-Rost, *Beitr. z. Assyr.*, III. 189ff; Thureau-Dangin, *Rev. Assyr.* XI. 96ff.

[4]KTA. 51; MDOG. 25, 33.

[5]I R. 49; Winckler, KB. II. 120ff.; Meissner-Rost, 218ff. Oppert,

others date after 675 as the one on a stone slab from the south west palace at Kalhu states that he took captive the king of Meluh,[1] and the other stone tablet gives him Egyptian titles,[2] so that they must be placed after the capture of that country. We may also mention in conclusion the one which gives the restoration of the Ishtar temple at Uruk[3] and the various ones found at Ashur by the German excavators.[4]

Exped., I. 180 f.; Menant, 248; *Babylone et Chaldée*, 167f.; Harper, 88f. King, *Supplement*, 38, dates from Aru of accession year.

[1]L. 19a. Winckler, KB. II. 150f. Oppert, *Exped.*, I. 324; Menant, 240.

[2]I R. 48, 5; Winckler, KB. II. 150f.; Meissner-Rost, 204ff.; Menant, 249.

[3]81-6-7, 209; Winckler, KB, II. 120 n. 1; Barton, *Proc. Amer. Or. Soc.*, 1891, cxxx.

[4]KTA. 51-55; 75; MDOG. 20, 26ff.; 22, 12f.; 25, 33, 65; 26, 20f.; 26, 41ff.; 28, 13, 49, 10f. Weissbach, in Koldewey, *Die Tempel von Babylon*, 71.

CHAPTER VII

ASHUR BANI APAL AND ASSYRIAN EDITING

The reign of Ashur bani apal (668-626), stands preeminent for the mass of material available, and this has twice been collected.[1] Yet in spite of all this, the greater number of the inscriptions for the reign are not before us in adequate form, and there are problems which only a renewed study of the originals can solve.

Once again we have the usual Annals as our main source. Earlier scholars have in general satisfied themselves with the publication and study of the latest edition, sometimes supplemented by more or less full extracts from the others. There are reigns, such as that of Sennacherib, where such procedure results in comparatively little distortion of the history. But in no reign is the distortion of the earlier statements more serious, indeed one can hardly recognize the earlier documents in their later and "corrected" form. Accordingly, in no reign is it more imperative that we should disentangle the various sources and give the proper value to each. When we have discovered which document is our earliest and most authentic source for any given event, we have already solved some of the most stubborn problems in the history of the reign. The various conflicting accounts of the Egyptian campaigns, for example, have caused much trouble, but if we recognize that each is a step in the movement toward increasing the credit the king should receive for them, and trust for our history only the first in date, we have at last placed the history of the reign on a firm basis.

Our very earliest document furnishes a beautiful illustration of this principle. It is a detailed narrative of the unimpor-

[1] G. Smith, *History of Assurbanipal*, 1871; S. A. Smith, *Keilschrifttexte Asurbanipals*, 1887ff.

tant Kirbit expedition, which is ascribed to the governor Nur ekalli umu. Cylinder E gives a briefer account and Cylinder F one still shorter. Both vaguely ascribe it to the "governors" but do not attempt to claim it for the king. It remained for Cylinder B, a score of years later, to take the final step, and to inform us that the king in person conducted the expedition. Further, the formal conclusion, which immediately follows the Kirbit expedition in our earliest document, shows that this event, unimportant as it was, was the only one which could be claimed for the "beginning of the reign." This campaign is further fixed by the Babylonian Chronicle to the accession year. Yet later cylinders can place before it no less than two expeditions against Egypt and one against Tyre! Our earliest document alone would be enough to prove that these had been taken over from the reign of his father, even did we not have some of this verified by that father himself.[1]

Next in date and therefore in value we are probably to place Cylinder E, a decagon fragment, which contains a somewhat less full account of the Kirbit campaign, and a picturesque narrative of the opening of diplomatic relations with Lydia. Before these events, it placed an account of the Egyptian expedition. Although only a portion is preserved, it is sufficient to show that the "first Egyptian expedition" at least was credited to his father.[2]

A third account, which we may call F, gave credit for the earlier half of the Egyptian campaigns to his father and for the latter half to his own lieutenants. The references to Tabal and Arvad indicate that some time had elapsed in which memorable events in his own reign could have taken place, and this is confirmed by the much more developed form of the Lydian narrative, with its dream from Ashur to Gyges, and its order for servitude. That this account is of value as over against the later ones has been recognized,[3] but we should not forget that it al-

[1] K. 2846; Winckler, AOF. I. 474ff.
[2] G. Smith, 34f., 76f., 82f.; K. 3083 is identical for a line each with Cyl. E and F.
[3] Tiele, *Gesch.* 372.

eady represents a developed form of the tradition.[1] Somewhat later would seem to be the account we may call G. Here the Egyptian wars are still counted as one expedition, but a second has been stolen for Ashur bani apal by taking over that campaign of his father against Baal of Tyre which is given in the Sinjirli inscription.[2]

With Cylinder B, we reach the first of what is practically a new series, so greatly has the older narrative been "corrected" in these later documents. Both the Egyptian wars have now been definitely assigned to the king, and the making of two expeditions into Egypt has pushed the one against Baal of Tyre up to the position of third. The octagon B dates from the midst of the revolt of Shamash shum ukin and is a most highly "corrected" document.[3]

The story of the Shamash shum ukin revolt is continued by Cylinder C, a decagon, whose form points to the fact that it is a fuller edition. In general, its text holds an intermediate position between A and B, the lists of Syrian and Cypriote kings, which are copied verbatim from the Cylinder B of Esarhaddon,[4] being found only in it.[5] With C should in all probability be listed two decagons one of which is called Cylinder D.[6] Then comes a document which we may call H, with several duplicates, and as the Ummanaldas episode is dealt with in fuller form than in A,

[1]K. 2675; III R. 28f.; G. Smith, 36ff., 56ff., 73ff., 80ff.; cf. 319 and S. A. Smith, II. 12ff., for ending giving erection of moon temple at Harran, a proof that we have the conclusion and so can date approximately; Winckler, *Untersuch. z. altor. Gesch.*, 102ff.; Jensen, KB. II. 236ff. A fragmentary stone duplicate from Babylon, Delitzsch, MDOG., XVII 2 n.*

[2]K. 3402; G. Smith, 78.

[3]G. Smith, *passim;* Jensen, KB. II. 240ff.; Menant, 278ff.; for the duplicate K. 1729 from which most of the B text is taken, cf. Johns, PSBA. XXVII. 97.

[4]V. 13ff.

[5]Rm. 3; G. Smith, 30ff., 178ff., cf. 15, 52, 151, 319; S. A. Smith, II. 25ff.; Menant, 277f. Jensen, KB. II. 238ff., 266ff.

[6]G. Smith, 317f. K. 1794; III. R. 27a; S. A. Smith, II. 18, cf. G. Smith, 319.

it probably dates earlier.[1] For the Tamaritu events, we have a group of tablets of unknown connections.[2]

All the documents thus far considered are fuller and more accurate in dealing with the events they narrate than is the group which has so long been considered the standard. The first known was Cylinder A, a decagon, whose lines divide the document into thirteen parts. It is dated the first of Nisan (March) in the eponymy of Shamash dananni, probably 644.[3] Earlier scholars made this the basis of study, but it has since been supplanted by the so called Rassam cylinder, a slightly better preserved copy, found in the north palace of Nineveh, and dated in Aru (May) of the same year.[4] Still a third is dated in Ululu (September) of this year.[5]

That this document is by no means impeccable has long been recognized. Already George Smith had written "The contempt of chronology in the Assyrian records is well shown by the fact that in Cylinder A, the account of the revolt of Psammitichus is given under the third expedition, while the general account of the rebellion of [Shamash shum ukin] is given under the sixth expedition, the affair of Nebobelzikri under the eighth expedition, and the Arabian and Syrian events in connection are given under the ninth expedition."[6] If this severe criticism is not justified by a study of the Assyrian sources as a whole, the reference to Cylinder A may well begin our consideration of the shortcomings of that group. The Karbit and Urtaki episodes

[1]K. 2656; G. Smith, 215ff. Are the duplicates mentioned here to be found in K. 2833 and K. 3085, G. Smith, 205?

[2]K. 1364; 3062; 2664; 3101; 2631; G. Smith, 243ff.—Where we are to place the cylinder Rm. 281, dealing with Urtaki's reign, Winckler, AOF. I. 478 n. 2, cannot be told until it is published.

[3]G. Smith, *passim*, III R. 17ff. RP[1], IX 37ff.; Menant, 253ff.

[4]BM. 91,026; Rm. 1; Photograph, Rogers, 555; *Hist.* op. 444. V. R. 1-10; Abel-Winckler, 26ff.; Winckler, *Sammlung*, III; S. A. Smith, I. Jensen, KB. II. 152ff. J. M. P. Smith, in Harper, 94ff.; Lau & Langdon, *Annals of Ashurbanapal*, 1903.

[5]G. Smith, 316.

[6]*Ibid.* 202 n.*

are entirely omitted. The omission of Karbit has dropped the Manna from the fifth to fourth and the omission of the latter has made the Teumman campaign the fifth instead of the seventh as in B, while the Gambulu expedition is also listed in the fifth though B makes it the eighth! The death of Gyges is added immediately after the other Lydian narrative, without a hint that years had intervened. The elaborate account of Teumman given by B has been cut decidedly and the interesting Ishtar dream is entirely omitted.

The same is true of the Gambulu narrative. While B and C have the data as to the Elamite side of the revolt of Shamash shum ukin, the introduction and conclusion as well as many new details are found only in A. It is curious to find here, for the first time, the greater part of the long list of conquered Egyptian kings, written down when Egypt was forever freed from Assyrian rule. That Cylinder B was not its immediate source is shown by the fact that in the first Egyptian expedition it gives the pardon of Necho, which is not in B, but is found in the earlier F.

Although this document has regularly been presented as the base text, largely because it gives a view of the greater part of the reign, enough should have been said in the preceding paragraph to prove how unworthy of the honor it is. Of all the cases where such procedure has caused damage, this is the worst. For the years from which we have no other data, we must use it, and we may hope that, as this period was nearer the time of its editors, its information may here be of more value. But we should recognize once and for all that the other portions are worthless and worse than worthless, save as they indicate the "corrections" to the actual history thought necessary by the royal scribes.

Later than this in date, in all probability, is the document we may call I. To be sure, the Arabian expedition already occurs in B, but I has also sections which appear only in A, and which therefore probably date later. The one indication that points to its being later than A is the fact that, while A ascribes these actions to his generals, our document speaks of them in the first

person.[1] Still later are the Beltis[2] and Nabu inscriptions,[3] though as these are merely display inscriptions, the date matters little. Here too belongs J in spite of its references to the accession.[4] And to this very late period, when the empire was falling to pieces, is to be placed the hymn to Marduk which speaks of Tugdami the Cilician.[5]

We have already crossed the boundary which divides the really historical narratives from those which are merely sources. Among the latter, and of the more value as they open to us the sculptures, are the frequent notes inscribed over them,[6] while a number of tablets give much new historical information from the similar notes which the scribe was to thus incise.[7] The Ishtar prayer is a historic document of the first class, the more so as its author never dreamed that some day it might be used to prove that the king was not accustomed, as his annals declare, to go forth at the head of his armies, that he was, in fact, destitute of even common bravery.[8]

For the period after the reign of Ashur bani apal, we have only the scantiest data. The fall of the empire was imminent and there were no glories for the scribe to chronicle. Some bricks from the south east palace at Kalhu,[9] some from Nippur,[10] and some boundary inscriptions[11] are all that we have from Ashur

[1]K. 2802; G. Smith, 290ff.

[2]II R. 66; G. Smith 303ff.; S. A. Smith, II. 10ff.; cf. I. 112; Jensen, KB. II. 264ff.; Menant, 291ff.

[3]S. A. Smith, I. 112ff.; III. 128ff.; Strong, RA. II. 20ff.

[4]K. 2867; S. A. Smith, II. 1ff.; cf. Olmstead, *Bull. Amer. Geog. Soc.*, XLIV. 434.—The various British Museum fragments, cited in King, *Supplement*, seem to be of no special importance for this study as they are duplicates with few variants.

[5]S. A. Strong, JA. 1893, 1. 368ff.

[6]Scattered through the work of G. Smith, cf. also Menant, 287ff.

[7]K. 2674; III R. 37; G. Smith, 140ff.; S. A. Smith, III. 1ff. K. 4457; G. Smith, 191ff. K. 3096; G. Smith, 295ff.

[8]K. 2652; III R. 16, 4; G. Smith, 139f.; S. A. Smith, III. 11ff.; cf. Jensen, KB. II. 246ff. Talbot, TSBA. I. 346ff.

[9]I R. 8, 3; Winckler, KB. II. 268f.; Menant, 295.

[10]Hilprecht, ZA. IV. 164; *Explorations*, 310.

[11]K. 6223, 6332; Winckler, AOF. II. 4f; Johns. PSBA. XX. 234.

itil ilani and from Sin shar ishkun only fragments of a cylinder dealing with building.[1] We have no contemporaneous Assyrian sources for the fall of the kingdom, our only certain knowledge being derived from a mutilated letter[2] and from a brief statement of the Babylonian king Nabu naid a generation later.[3]

[1]K. 1662 and dupl. I R. 8, 6; Schrader, *SB. Berl. Gesell.* 1880, 1ff.; Winckler, *Rev. Assyr.* II. 66ff.; KB. II. 270ff.; MDOG. XXXVIII. 28.

[2]BM. 51082; Thompson, *Late Babylonian Letters* 248.

[3]Messerschmidt, *Mitth. Vorderas. Gesell.*, 1896. I.

CHAPTER VIII

THE BABYLONIAN CHRONICLE AND BEROSSUS

This concludes our detailed study of the "histories" of the reigns which were set forth with the official sanction. Before summing up our conclusions as to their general character, it will be well to devote a moment to the consideration of certain other sources for the Assyrian period. Many minor inscriptions have been passed by without notice, and a mere mention of the mass of business documents, letters, and appeals to the sun god will here be sufficient, though in a detailed history their help will be constantly invoked to fill in the sketch secured by the study of the official documents, and not infrequently to correct them. Of foreign sources, those of the Hebrews furnish too complicated a problem for study in this place,[1] and the scanty documents of the other peoples who used the cuneiform characters hardly furnish source problems.

Even the Babylonians have furnished us with hardly a text which demands source study. To the end, as is shown so conspiciously in the case of Nebuchadnezzar, scores of long inscriptions could be devoted to the building activities of the ruler while a tiny fragment is all that is found of the Annals. Even his rock cut inscriptions in Syria, those in the Wadi Brissa and at the Nahr el Kelb, are almost exclusively devoted to architectural operations in far away Babylon![2]

Yet if the Babylonians were so deficient in their appreciation of the need of historical annals for the individual reigns, they seem to have been the superiors of the Assyrians when it came to the production of actual histories dealing with long

[1]Cf. Olmstead, AJSL. XXX. 1ff.; XXXI. 169ff., for introduction to these new problems.

[2]It may be noted that the Cornell Expedition secured squeezes of both these inscriptions.

periods of time. While the Babylonians have preserved to us numerous lists of kings and two excellent works which we have every reason to call actual histories, the Babylonian Chronicle and the Nabunaid-Cyrus Chronicle, the Assyrians have but the Eponym Lists, the so called Assyrian Chronicle, and the so called Synchronous History. The last has already been discussed, and we have seen how little it deserved the title of a real history, yet it marks the greatest advance the Assyrians made along this line. The Eponym lists are merely lists of the officials who dated each year in rotation, and they seem to have been compiled for practical calendar purposes. The so called Assyrian Chronicle is in reality nothing but a chronological table in three columns, the first with the name of the eponym for the year, the second with his office, and the third with the most important event, generally a campaign, of the year. As a historical source, more can be made out of this dry list than has previously been suspected, and this has been pointed out elsewhere.[1] But, as a contribution to the writing of history, it holds a distinctly low place.

On the other hand, the Babylonian Chronicle is a real, if somewhat crude history. In fact, it can be said without fear of contradiction that it is the best historical production of any cuneiform people. Our present copy is dated in the twenty second year of Darius I of Persia, 500 B. C., but, as it was copied and revised from an earlier exemplar, which could not always be read, its original must be a good bit earlier. Only the first tablet has come down to us, but the mention of the first proves that a second existed. What we have covers the period 745-668, a period of seventy-seven years. The second tablet would cover a period nearer the time of the writer and would naturally deal with the events more in detail, so that a smaller number of years would be given on this tablet. If but two tablets were written, the end of the work would be brought down close to the time when the Assyrian Empire fell (608). It is a tempting conjecture, though nothing more, that it was the fall of Assyria and the in-

[1] Olmstead, *Jour. Amer. Or. Soc.*, XXXIV. 344ff.

terest in the relations between the now dominant Babylonia and its former mistress, excited by this event, which led to the composition of the work. Be that as it may, the author is remarkably fair, with no apparent prejudice for or against any of the nations or persons named. The events chosen are naturally almost exclusively of a military or political nature, but within these limits he seems to have chosen wisely. In general, he confines himself to those events which have an immediate bearing on Babylonian history, but at times, as, for example, in his narration of the Egyptian expeditions, he shows a rather surprising range of interest. If we miss the picturesque language which adds so much to the literary value of the Assyrian royal annals, this can hardly be counted an objection by a generation of historians which has so subordinated the art of historical writing to the scientific discovery of historical facts. In its sobriety of presentation and its coldly impartial statement of fact, it may almost be called modern.[1]

We know the name of our other Babylonian historian, and we also know his date, though unfortunately we do not know his work in its entirety. This was Berossus, the Babylonian priest, who prepared a Babyloniaca which was dedicated to Antiochus I. When we remember that it is this same Antiochus who is the only one of the Seleucidae to furnish us with an inscription in cuneiform and to the honor of one of the old gods,[2] it becomes clear that this work was prepared at the time when fusion of Greek and Babylonian seemed most possible, and with the desire to acquaint the Macedonian conquerors with the deeds of their predecessors in the rule of Babylonia. The book was characteristically Babylonian in that only the last of the three books

[1]Photograph, Rogers, 515. C. T. XXXIV 43ff. Abstract, Pinches, PSBA. VI. 198ff. Winckler, ZA. II. 148ff.; Pinches, JRAS. XIX. 655ff. Abel-Winckler, 47f. Duplicates, Bezold, PSBA. 1889, 181; Delitzsch, *Lesestücke*[4], 137ff. Schrader, KB. II. 274ff.; Delitzsch, *Bab. Chronik;* Rogers, 208ff.; Barta, in Harper, 200ff. Sarsowsky, *Keilschriftliches Urkundenbuch*, 49ff.; Mercer, *Extra Biblical Sources*, 65ff.

[2]Best in Weissbach, *Achämeniden Inschriften*, 132ff., cf. xxx for bibliography.

into which it was divided, that beginning with the time of Nabonassar, can be considered historical in the strictest sense, and even of this only the merest fragments, abstracts, or traces, have come down to us. And the most important of these fragments have come down through a tradition almost without parallel. Today we must consult a modern Latin translation of an Armenian translation of the lost Greek original of the Chronicle of Eusebius,[1] who borrowed in part from Alexander Polyhistor who borrowed from Berossus direct, in part from Abydenus who apparently borrowed from Juba who borrowed from Alexander Polyhistor and so from Berossus. To make a worse confusion, Eusebius has in some cases not recognized the fact that Abydenus is only a feeble echo of Polyhistor, and has quoted the accounts of each side by side! And this is not the worst. Although his Polyhistor account is in general to be preferred, Eusebius seems to have used a poor manuscript of that author. Furthermore, there is at least one case, that of the name of one of Sennacharib's sons, which can be secured only by assuming a mistake in the Armenian alphabet.

It is in Eusebius that we find our most useful information, some of the facts being very real additions to our knowledge. But Berossus was also used by the early Apollodorus Chronicle, some time after 144 B. C., from which some of his information may have drifted into other chronological writings. Alexander Polyhistor was used by Josephus, and Abydenus by Cyrillus, Syncellus, and the Armenian historian, the pseudo Moses of Chorene. So in these too, or even in others not here named, may lurk stray trifles from the work of Berossus. Perhaps from this, or from a similar source, comes the Babylonian part of the list of Kings known as the Canon of Ptolemy, which begins, as does the Babylonian Chronicle, with the accession of Nabonassar.[2] Though directly of Egyptian origin, as is shown by the system of

[1] A. Schoene, *Eusebii Chronicorum libri duo*, 1866ff.; cf. Rogers, *Parallels*, 347ff.; J. Karst, *Eusebius Werke*, V.

[2] The most convenient edition Wachsmuth, *Einleitung in das Studium der alten Geschichte*, 304ff.; cf. Rogers, 239.

dating, it undoubtedly goes back to a first class Babylonian source, as do the astronomical data in the Almagest of the same author, though here too the Egyptian calendar is used.[1] Summing up, practically all the authentic knowledge that the classical world has of the Assyrians and Babylonians came from Berossus.[2] Herodotus may furnish a bit and something may be secured from the fragments of the Assyriaca of Ctesias, but it is necessary to test each fact from other sources before it can be accepted.

And now what shall we say by way of summing up the Assyrian writing of history? First of all, it was developed from the building inscription and not from the boast of the soldier. That this throws a new light on the Assyrian character must be admitted, though here is not the place to prove that the Assyrian was far more than a mere man of war. All through the development of the Assyrian historiography, the building operations play a large part, and they dominate some even of the so called Annals. But once we have Annals, the other types of inscriptions may generally be disregarded. The Annals inscriptions, then, represent the height of Assyrian historical writing. From the literary point of view, they are often most striking with their bold similes, and that great care was devoted to their production can frequently be proved. But in their utilization, two principles must constantly be kept in mind. One is that the typical annals inscription went through a series of editions, that these later editions not only omitted important facts but "corrected" the earlier recitals for the greater glory of the ruler, real or nominal, and that accordingly only the earliest edition in which an event is narrated should be at all used. Secondly, we should never forget that these are official documents, and that if we can trust them in certain respects the more because they had better opportuni-

[1] Cf. Olmstead, *Sargon*, 34f.

[2] Of the literature on Berossus, we may quote here only Müller, *Fragmenta Historicorum Graecorum*, II. 495ff.; and the various articles by Schwartz, on Abydenus, Alexandros 88, and Berossus, in the Pauly-Wissowa *Real-encyclopädie*.

ties for securing the truth, all the greater must be our suspicion that they have concealed the truth when it was not to the advantage of the monarch glorified. Only when we have applied these principles in detail to the various documents can we be sure of our Assyrian history and only then shall we understand the mental processes of the Assyrian historians.

ABBREVIATIONS

Abel-Winckler	L. Abel, H. Winckler, Keilschrifttexte, 1890.
AJSL	American Journal of Semitic Languages.
Amiaud-Scheil	A. Amiaud, V. Scheil, Les inscriptions de Salmanassar II, 1890.
AOF	H. Winckler, Altorientalische Forschungen, 1893ff.
BM	British Museum number; special collections are marked K., S., Rm., DT., or by the year, month, and day, as 81-2-3, 79.
Budge	E. A. W. Budge, History of Esarhaddon, 1880.
Budge-King	E. A. W. Budge, L. W. King, Annals of Kings of Assyria, I. 1902.
G. Smith	G. Smith, History of Assurbanipal, 1871.
Harper	R. F. Harper, Assyrian and Babylonian Literature, 1901.
JA	Journal Asiatique.
JRAS	Journal of the Royal Asiatic Society.
KB	E. Schrader, Keilinschriftliche Bibliothek, 1889ff.
KTA	L. Messerschmidt, Keilschrifttexte aus Assur, I. 1911.
L	A. H. Layard, Inscriptions in the Cuneiform Character, 1851.
Le Gac	Y. le Gac, Les inscriptions d'Assur-nasir-apal III, 1907.
MDOG	Mittheilungen der Deutschen Orient Gesellschaft.
Menant	Menant, Annales des rois d'Assyrie, 1874.
NR	A. H. Layard, Nineveh and its Remains, 1851.
OLZ	Orientalistische Literaturzeitung.
PSBA	Proceedings of the Society of Biblical Archaeology.
R	H. C. Rawlinson, Cuneiform Inscriptions of Western Asia, 1861ff.
Rasmussen	N. Rasmussen, Salmanasser den II's Indskriften.
Rogers	R. W. Rogers, Cuneiform Parallels to the Old Testament, 1912.
Rost	P. Rost, Keilschrifttexte Tiglat-Pilesers, 1893.
RP	Records of the Past, Ser. I. 1875ff.; Ser. II. 1889ff.
RT	Recueil de Travaux.
S. A. Smith	S. A. Smith, Keilschrifttexte Asurbanipals, 1887ff.
Smith-Sayce	G. Smith, A. H. Sayce, History of Sennacherib, 1878.
TSBA	Transactions of the Society of Biblical Archaeology.
Ungnad	A. Ungnad, in H. Gressmann, Altorientalische Texte, 1909.
ZA	Zeitschrift für Assyriologie.

UNIVERSITY OF MISSOURI STUDIES

SOCIAL SCIENCE SERIES

VOLUME I

The Clothing Industry in New York, by JESSE E. POPE, Ph. D., Professor of Economics and Finance. pp. xviii, 340. 1905. $1.25.

VOLUME II

1. **The Social Function of Religious Belief,** by WILLIAM WILSON ELWANG, Ph. D. pp. viii, 100. 1908. $1.00.
2. **The Origin and Early Development of the English Universities to the Close of the Thirteenth Century,** by EARNEST VANCOURT VAUGHN, A. M., Instructor in History. pp. viii, 147. 1908. $1.00.
3. **The Origin of the Werewolf Superstition,** by CAROLINE TAYLOR STEWART, A. M., Ph. D., Assistant Professor of Germanic Languages. pp. iv, 32. 1909.
4. **The Transitional Period, 1788-1789, in the Government of the United States,** by FRANK FLETCHER STEPHENS, Ph. M., Ph. D., Instructor in American History. pp. viii, 126. 1909. $1.00.

VOLUME III

1. **Assyrian Historiography: A Source Study,** by ALBERT TEN EYCK OLMSTEAD, Ph. D., Associate Professor of Ancient History. pp. viii, 65. 1916. $1.00.

FEB 5 1921

THE UNIVERSITY OF MISSOURI STUDIES
VOLUME III, NUMBER 2

SOCIAL SCIENCE SERIES
GEORGE LEFEVRE, Editor

ANTONY'S ORIENTAL POLICY UNTIL THE DEFEAT OF THE PARTHIAN EXPEDITION

LUCILE CRAVEN, Ph. D.

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
1920

ANTONY'S ORIENTAL POLICY UNTIL THE DEFEAT OF THE PARTHIAN EXPEDITION

THE UNIVERSITY OF MISSOURI STUDIES
VOLUME III, NUMBER 2

SOCIAL SCIENCE SERIES
GEORGE LEFEVRE, Editor

ANTONY'S ORIENTAL POLICY UNTIL THE DEFEAT OF THE PARTHIAN EXPEDITION

LUCILE CRAVEN, Ph. D.

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
1920

CONTENTS

CHAPTER 1 Page

ANTONY'S FIRST EXPERIENCE IN THE ORIENT 1

CHAPTER II

CONDITIONS IN THE EAST 11

CHAPTER III

ANTONY'S PROVINCIAL ADMINISTRATION 20

CHAPTER IV

ANTONY IN EGYPT 37

CHAPTER V

THE PREPARATION FOR THE PARTHIAN EXPEDITION 51

CHAPTER VI

THE PARTHIAN EXPEDITION 66

PREFACE

This work was begun under the direction of Mr. A. T. Olmstead, now Professor of History in the University of Illinois, and of Mr. Walter Miller, Professor of Latin, now engaged in Y. M. C. A. work in Italy. The work was completed under the supervision of Mr. H. W. Wright, of the department of Latin, Mr. W. G. Manly, Professor of Greek, and Mr. Jesse E. Wrench, Assistant Professor of History. I am glad to have this opportunity to acknowledge their valuable suggestions and kindly criticism. Mr. W. A. Oldfather, Professor of the Classics in the University of Illinois, and Mr. F. W. Shipley, Professor of Latin in Washington University, kindly furnished publications that were not available here. I wish to acknowledge this kindness as well as their helpful suggestions.

May, 1918 L. C.

INTRODUCTION *

The purpose of this dissertation has at no time been to whitewash the personal character of Antony, but to point out that his general policy in the Orient corresponded in a large measure to that of the average Roman governor.

Antony seems to have been actuated not by a high ambition for a great empire in the East, on the one hand, nor, on the other, by the capricious gratification of his desires or by an infatuation for Cleopatra. His aim, as it seems, was supreme power at Rome. Under Caesar's influence for a long period, Antony had come to regard the East as the proper sphere for Roman aggression. He realized that to establish his power at Rome on a stable foundation some brilliant and lucrative enterprise was necessary. Viewed in this light, the Parthian expedition was a bid for popularity at Rome. To regain the standards lost by Crassus would bring prestige at Rome, and to re-establish the authority of Rome in the East would put provincial administration on a firm basis conducive to financial prosperity. Egypt was to finance the expedition through an alliance between Antony and Cleopatra. It was only with the defeat of the Parthian expedition that Antony seems to have changed his aim for supreme power at Rome to the hope for a kingdom in the East with Egypt at its head.

---

*This paper was accepted as a dissertation by the Graduate Faculty of the University of Missouri in May, 1918, in partial fulfilment of the requirements for the degree of Doctor of Philosophy.

CHAPTER I

ANTONY'S FIRST EXPERIENCE IN THE ORIENT

For a comprehensive study of Antony's relations to the Orient, it is necessary to take up in some detail the proconsulship of Gabinius in Syria, for it was as commander of the cavalry that Antony first became acquainted with the problems of the land which was to play so important a part in his later life. At the expiration of his consulship, Gabinius succeeded to Syria (57 B. C.). On account of the disturbed conditions there, Rome began to appoint for this country proconsuls with the power to levy troops and to engage in war. The first of these sent out was Gabinius.[1] When en route for his province, he was joined by Antony as commander of the cavalry.[2]

Their military campaign lay in Judaea.[3] Until the time of Pompey, Rome had not directly interfered in Jewish affairs. The relation of *socius atque amicus* had been established as early as 166 B. C., when Judas Maccabeus, to strengthen his position as first Hasmonean ruler, sent an embassy to Rome to form an alliance with that but vaguely known people which was beginning to exert such a powerful influence in the East.[4] Rome, on her part, was glad to receive as a *socius* a people who had held out

[1]Appian, *Syr.* 51. Appian, however, cannot always be relied upon for constitutional matters. Vid. Shürer, *Hist. Jews,* p. 330 N. 2.

[2]Plut. *Ant.* 3. For some time Antony had been embroiled in the disturbances of Clodius, but had left Italy for Greece to escape trouble from the combinations forming against Clodius at Rome, and was spending his time in military training and practice of oratory. Coming at this time, the offer seemed most opportune, but Antony refused on the ground that he did not wish to join the expedition in a private capacity. On his appointment as commander of the horse, Antony accepted and set sail with Gabinius.

[3]Conditions in Judaea are given in detail, for the abundant source material shows many phases of Roman policy and provincial administration not so well preserved in the records of other nations of the East.

[4]I Macc. 8,17; Joseph. *Antiq. Jud.* XII, 5, 8.

so successfully against the troublesome Antiochus, provided that such an alliance entailed no more definite aid than prestige of the Roman name. Accordingly, until the time of Pompey, Rome had contented herself with vague alliances,[5] but by playing one party against another, she was imperceptibly establishing her influence as predominant.

On the defeat of Antiochus and the establishment of Syria as a province, Rome changed her policy in regard to Judaea and interfered more openly in its affairs. There seem to have been three distinct parties in Judaea: The Sadducees, or Hellenizing aristocracy, distinctly pro-Roman in sentiment; the Pharisees, democratic, religious, and somewhat pacifist in tendency; and the zealots, or nationalists, strongly pro-Parthian in sympathy.[6] At the head of the pro-Roman party was Antipater,[7] a native of Idumea (Idum), of which he was military governor,[8] friend and minister of Hyrcanus II,[9] a man who had already recognized Rome as a potent factor in Jewish affairs, a factor in which lay his chief hope for the realization of his own ambitious designs. Thruout Antipater's entire career, he always came forward as the champion of Roman interests in Judaea. His first opportunity came in the civil war between Hyrcanus, the legitimate heir, and his younger but more capable brother, Aristobulus. Backed by

[5]Jonathan (I Macc. XII, 1; Joseph. *Antiq. Jud.* XIII, 5, 8) and Simon (I Macc. XIV, 16; XV, 15-24; Joseph. *Antiq. Jud.* XIII, 5, 8.) renewed the alliance. John Hyrcanus not only renewed the alliance, but after a second appeal gained actual interference from Rome in favor of Judaea, in that the senate ordered Antiochus to restore territory taken in war (Joseph. *Antiq. Jud.* XIII, 9, 2 sq; XIV, 8, 3 sq.) Aristobulus and Alexander Jannaeus were able to maintain their power without Roman alliance (Joseph. *Antiq.* XIII, 11, 1 sp.).

[6]Radin, *Jews among Gks. and Roms.* p. 216. For a detailed history of the development of the anti-Hellenistic Jews with Pharisees see Hereford, *Phar.* pp. 1-57. Radin, p. 155, says he does not believe the Pharisees were related to or a continuation of the anti-Hellenic Hasadim.

[7]Nicolaus of Damascus, *F. G. H.* Vol. III p. 417.

[8]Joseph. *Antiq. Jud.* XIV, 8, 1; *Bell. Jud.* I, 6, 2.

[9]*Ibid.*

the nationalists, Aristobulus had gained the kingdom and the high priesthood,[10] and had reduced Hyrcanus to the standing of a private citizen.[11]

Antipater recognized this opportunity and came to his aid. Hyrcanus re-engaged in the struggle with no little success;[12] but before the quarrel was settled, the Roman general Scaurus appeared in Syria. Each contestant sent an embassy to him with the promise of four hundred talents for a favorable decision. Aristobulus succeeded in establishing his power through the influence of Scaurus, who felt that Aristobulus was the wealthier of the two claimants and consequently the more able to fulfil his promises.[13] No one regarded the matter as settled, however, for when Pompey arrived in Damascus (B. C. 64) there was a renewal of the embassies from Hyrcanus and Aristobulus.[14] Pompey showed himself a better judge of conditions in Judaea, as well as a truer exponent of Roman policy, by supporting the weaker party, lest later on he should find in the ambitious Aristobulus a man unwilling to submit to Rome's domination in the internal affairs of Judaea. The influence of the politic Antipater must have had weight with Pompey in his decision. Aristobulus, however, defied the Roman authority. He made his final stand on the Temple Mount, where he was besieged for three months, until, by an attack on the Sabbath, the fortress fell and the Holy City came under a Roman commander.[15]

At Pompey's command the city walls were destroyed, and Jerusalem and the surrounding territory made tributary.[16] The Hellenistic cities of Coele-Syria were taken from Judaea and

[10]Joseph. *Antiq. Jud.* XIV, 3, 1; *Bell. Jud.* XX, 10.
[11]*Ibid.* XIV, 1, 2; *Bell. Jud.* I, 6, 1.
[12]*Ibid.* XIV, 2, 1-2.
[13]*Ibid.* XIV, 2, 3.
[14]Joseph. *Antiq. Jud.* XIV, 3, 2.
[15]*Ibid.* XIV, 4, 2-4; *Bell. Jud.* I, 7, 3-5; Dio, XXXVII, 16; Strabo, 16, 2, 40; Liv. *Epit.* 102; Tac. *Hist.* V 9; Appian, *Syr.* 50; *Mith.* 106.
[16]Joseph. *Antiq. Jud.* XIV, 4, 4; *Bell. Jud.* I, 7, 6. The tribute was levied on the Jews as a people, not on Hyrcanus as a ruler. *Ibid. Antiq. Jud.* XIV, 4, 4 sq. *Bell. Jud.* I, 7, 6; Dio, XXXIX, 56, 6.

added to the province of Syria.[17] The contracted Jewish territory was given to Hyrcanus II, who was recognized as high priest without the title of king.[18] Judaea itself seems to have been under the general supervision of the Syrian proconsul.[19] Pompey took Aristobulus and his children as prisoners to Rome, where they were led in his triumph.[20] Pompey had not crushed the nationalist party, however. Alexander, the son of Aristobulus, had escaped from Pompey. At the coming of Gabinius (57 B. C.), he was rallying the anti-Roman element to his standard with great success. Indeed he had gone so far as to come to Jerusalem and to begin to rebuild the walls. On hearing that Gabinius was advancing in Judaea, Alexander quickly assembled and armed his forces and fortified Alexandrium, Hyrcanium, and Macherus.[21] Gabinius sent Antony in advance to arm the pro-Roman Jews and the Idumeans whom Antipater had collected in pursuance of his policy of establishing his own position firmly by making himself indispensable to the Romans.[22] Through the confidence that Gabinius thus placed in him, Antony was enabled to become acquainted with the leaders of the pro-Roman Jews. Josephus says that he even formed a guest friendship with Antipater at this time.[23] When Gabinius came up, Alexander was defeated in battle near Jerusalem and retreated with what remained of his forces to Alexandrium.[24] For his distinguished services in the first attack on this fortress, Gabinius left Antony

[17]Joseph. *Antiq. Jud.* XIV, 4, 4; *Bell. Jud.* I, 7, 6-7.

[18]Joseph. *Antiq. Jud.* XIV, 4, 4; *Bell. Jud.* I, 7, 6-7.

[19]Amm. Marc. XIV, 8, 12; Joseph. *Antiq. Jud.* XIV, 79.

[20]*Ibid.* XIV, 4, 5; *Bell. Jud.* I, 7, 7. According to Morrison, *Jews under Roman Rule,* p. 37, Psalm VIII, 16-26 refers to Pompey.

[21]*Ibid.* XIV, 6, 2; *Bell. Jud.* I, 8, 2; Zonar. V, 7.

[22]Hegissip. I, 19. Cf. article *Gabinius* in *Pauly-Wissowa.*

[23]Joseph. *Antiq. Jud.* XIV, 13, 1. The fortress of Alexandrium was situated on one of the mountains somewhere between Jerusalem and Scythopolis. It seems probable that it can be located as the ruins on Qarn Sartabeh. Cf. Schmidt, *Alexandrium, Journal of Bibl. Lit.* 78 sq.

[24]Joseph. *Antiq. Jud.* XIV, 13, 1; *Bell. Jud.* I, 8, 3; Zonar. V, 7.

in charge of the siege while he himself made a tour of Judaea.[25] On his return the siege was pressed with vigor until Alexandrium surrendered.[26] In this campaign Antony had had an opportunity to learn the political factions at work in Judaea, to see the advantage to Rome in fostering the interest of the Idumean family, and, in Gabinius' subsequent reorganization of Judaea, to observe the methods of organization employed by a Roman governor in his provincial administration.

In this work Gabinius followed the policy established by Pompey, that of reducing the large powers that were developing, by breaking their territory up into smaller units.[27] Accordingly, he divided Judaea into five districts with a Sanhedrin[28] in each, which held the governing power.[29] Hyrcanus was deprived of political power and as high priest dictated to the Jews in religious matters alone. Rome was always opposed to small theocratic states having extensive territory governed and taxed by the priests of the Temple. Strabo[30] cites several other instances of this Roman policy of diminishing the power and privileges of the priest.[31]

The anti-Roman element was still restive. Under the leadership of Aristobulus, who had escaped from Rome, a second revolt arose. Pitholaus, who had been a Roman lieutenant at Jerusalem, deserted to him with a thousand men. Their first

[25]Joseph. *Antiq. Jud.* XIV, 5, 3; *Bell. Jud.* I, 8, 4. On this tour Gabinius gave orders for the rebuilding of such cities as had been destroyed. Among them were Samaria, Ashdod, Scythopolis, Anthedron, Raphia, and Dora.

[26]Joseph. *Antiq. Jud.* XIV, 5, 4; *Bell. Jud.* I, 8, 5.

[27]Hegissip. I, 19.

[28]Joseph. *Antiq. Jud.* XIV, 5, 4. This is the first mention of the Sanhedrin in Josephus. The supreme court of justice had probably been called the Sanhedrin for some time, but after the settlement of Gabinius the court at Jerusalem was known as the "Great Sanhedrin" as a distinguishing mark. Cf. Hastings, *Dict. Bib.* IV, p. 397, Art. *Sanhedrin.*

[29]The capitals were at Jerusalem, Amathus, Jericho, Sapphoris, and Gadara. Joseph. *Antiq. Jud.* XIV, 5, 4. For a summary of the reorganization of Judaea, vid. Sands, *Rom. Client Princes,* Appendix A. XV.

[30]Strabo, XII, 8, 14; XII, 3, 37.

[31]Cf. Arnold, *Rom. Imp.,* p. 227.

plan was to fortify Alexandrium, but at the advance of the Roman forces under Sisenna, Servilius, and Antony, Aristobulus retreated to Macherus,[32] the second fortress of Judaea after Jerusalem, according to Pliny.[33] Here again Antony distinguished himself for valiant conduct.[34] Aristobulus was taken prisoner and sent back to Rome.[35] With the anti-Roman Jews temporarily in check, Gabinius turned his attention toward the Parthians.[36]

Mithridates, king of Parthia, had declared war on Armenia to regain Gordyene.[37] Since this territory had been granted to Armenia by Pompey, such action was an encroachment upon the authority of Rome. Mithridates met with some success,[38] but civil strife in Parthia soon put a different aspect on affairs. Mithridates was driven from the throne on account of the cruelty of his rule.[39] Orodes, his brother, however, granted him the government of Media; but, when this too was taken from him,[40] he sought refuge with Gabinius, who now continued the war begun by Mithridates, with the expectation of achieving lasting fame in establishing Mithridates on the throne as a client prince of Rome.[41] Gabinius had just passed the Euphrates when he received instructions from Pompey to give up this expedition and to reinstate Ptolemy Auletes on the throne.[42]

Antony was to have an opportunity to gain first hand knowledge of one of Rome's most serious problems. The settlement of the Egyptian question was one of the most important political tasks of Rome. It was taken more and more into con-

[32]Joseph. *Antiq. Jud.* XIV, 6, 1; *Bell. Jud.* I, 8, 6.

[33]*N. H.* V, 72.

[34]Plut. *Ant.* 3; Hegesipp. I, 19-20.

[35]Joseph. *Antiq. Jud.* XIV, 6, 1; *Bell. Jud.* 18, 6; Zonar. V, 7; Dio, XXXIX, 56, 6; Strabo, XVII, 11, 11.

[36]Since Gabinius did not complete his Parthian campaign, the discussion of the Parthian question will be taken up later.

[37]Just. XLII, 4.

[38]Cf. Rawlinson, *Parth.*, p. 147, n. 4.

[39]Just., XLII, 4.

[40]Dio, XXXIX, 56.

[41]Appian, *Syr.* 51.

[42]Dio, XXXIX, 55, 56; Joseph. *Antiq. Jud.* XIV, 6, 2.

sideration by each of the great leaders in turn, until it was finally settled by Octavian.[43]

In 65 B. C. Caesar and Crassus had looked to Egypt as a base in which to establish their power while Pompey was otherwise engaged. They tried to have a measure passed by a plebiscite granting to Caesar, for the purpose of settling affairs in Egypt, a command extraordinary, such as Pompey had held. Here he was to create for himself a military and political position—a conterpoise of the Democrats to the power of the Optimates, represented by Pompey and his army.[44] The united power of Caesar and Crassus, however, failed to overcome the hostile influence of the Senate. The Senate did not wish to entangle itself by forming into a province a land with such economic advantages, for by commanding its financial organization and naval power to his own use, a strong governor would be but a step from monarchical power.[45] Consequently the question was dropped for the time being.

After the triumvirate had been renewed at Lucca, it seems that an agreement must have been made by the triumvirs as to Egypt. The very fact that Gabinius, already launched with seeming success upon a Parthian campaign, would, at a suggestion from Pompey, immediately drop his own alluring plans, points to the fact that the triumvirate had in all probability selected the staunch Pompeian, Gabinius, as Syrian proconsul with the Egyptian question in view. His value as a tool had been demonstrated in his work on the Gabinian law. Ptolemy, who had purchased his first recognition as sovereign at a price of six thousand talents,[46] had agreed to a further payment of ten

[43]Cf. Neise, *Röm. Geschichte*, pp. 229, 235, 248, cited by von Mess, *Caesar*, p. 29, n. 44.

[44]Cf. Mommsen, *Rom. Hist.*, Vol. IV, p. 201; Adolph von Mess, *Caesar*, pp. 29, 30; Mahaffy, *Hist. Egypt*, p. 228.

[45]Cf. Mommsen, *Rom. Hist.*, Vol. IV, p. 67; von Mess, *Caesar*, pp. 29, 30. Suet. *Caes.* 35 states that Caesar kept Egypt under the rule of Cleopatra, for fear that under a headstrong governor the province would become a source of revolution.

[46]Suet. *Caes.* 54.

thousand talents for his restoration.[47] The Senate, however, passed no decree giving Gabinius authority to wage offensive war outside his province, and even brought forward a prediction from the Sibylline books forbidding such action.[48] Perhaps this accounts for Gabinius' hesitancy, for Plutarch says that most of the officers, as well as Gabinius himself, were opposed to the enterprise, but that Antony joined in persuading Gabinius. Plutarch assigns Antony's eagerness to a longing for great exploits and a desire to gratify Ptolemy's request.[49] Perhaps Antony felt that the surest way of advancement for a young man at Rome was to cater to the wishes of the great political leaders until his own position was somewhat assured. Accordingly, Gabinius made a pretext of the alleged support of piracy by the Egyptians and the building of a fleet by Archelaus to start immediately for the Egyptian frontier.[50]

The most dangerous point in the expedition was the march through the sandy desert between Gaza and Pelusium, where no fresh water could be obtained. Antony was sent ahead to make himself master of the passes and to win Pelusium. By his eminent success he rendered the march safe for the army.[51] In the military engagements following, Antony was rewarded with especial marks of distinction for bravery in action.[52]

On his recall to Judaea by the renewed uprisings of the anti-Roman Jews,[53] soon after the final defeat of the Egyptians,

[47]Plut. *Ant.* 3; Dio 39, 55-58; Appian, *B. C.* II, 24; Joseph. *Antiq. Jud.* XIV, 6, 2; *Bell. Jud.* I, 8, 7; Cic. *Pro. Rab. Post.* VIII, 22; Plut. *Cat. Min.*, 35.

[48]Appian, *B. C.* II, 24; *Syr.* 51.

[49]Plut. *Ant.* 3.

[50]Strabo, XII, 3, 34; Cic. *pro. Rab. Post.* VIII; *Phil.* II, 19.

[51]Joseph. *Antiq. Jud.*, XIV, 6, 2, attributes this entirely to the influence of Antipater; but here, as in regard to the aid rendered Caesar in the *Bellum Alexandrinum*, he probably has exaggerated the importance of the services of Antipater, for he is not mentioned by Plutarch in this instance nor by the author of the *Bellum Alexandrinum* in the case of Caesar.

[52]Plut. *Ant.* 3.

[53]Joseph. *Antiq. Jud.* XIV, 6, 2; *Bell. Jud.* I, 8, 7.

Gabinius left a garrison of Roman troops in Alexandria to maintain the authority of Ptolemy.[54] Antony also probably remained in Alexandria for some time, for Josephus makes no mention of him in the subsequent campaign in Syria.[55] By assuming many of the prerogatives of the palace guards, these troops which were left in Alexandria became a powerful factor there. It is important to note that it was among these troops that Antony had won a great name for personal valor and military ability in his conduct of the campaign at Pelusium. The populace of Alexandria likewise honored him for his clemency toward the Egyptians after the victory.[56]

In these years in which Antony had been with Gabinius he had had unusual opportunities to become acquainted with three of Rome's great problems in the East: Judaea, Parthia, and Egypt. First, in his stay in Judaea he could see the strong anti-Roman party dependent on the Hasmonean house for its leaders. That this party was strongly pro-Parthian was a fact little realized by Rome. Actual experience in Judaea seemed to be requisite for a comprehension of the hearty support that the Parthians gave every Syrian state against Rome. After Antony's early experience in Judaea, he could judge the value of the Idumean family in furthering Roman interests; he could observe in the work of Gabinius the tasks which lay before a governor in dealing with such conditions.

While the expedition against the Parthians had been of short duration, Antony had at least become acquainted with Parthian modes of warfare, had heard some discussion as to routes to be pursued, and had seen the advantage to Rome of the constant intrigue in the Parthian court. The experience gained on this expedition, combined with the knowledge acquired

[54]Val. Max. IV, i, 15; Caes. *B. C.* III, 103; Dio, XLII, 5.

[55]Appian, *B. C.* V, 8, states that Antony met Cleopatra and became infatuated with her, although she was only about fourteen years of age. The early maturity of the peoples of the East must be taken into consideration, however. Appian's statement is one of interest rather than of importance.

[56]Plut. *Ant.* 3.

in Judaea, enabled Antony to judge the importance which Parthia held in the Orient, a place not sufficiently recognized by the Roman leaders. With all this in mind after the Ides of March he was able to appreciate at the moment more than any other man the value of Caesar's plans for an Oriental campaign.[57]

In the Egyptian expedition he had seen the economic and political condition of Egypt at first hand, the dominating part that Alexandria played in Egyptian affairs, the dominating place that the mob and the palace soldiery held in Alexandria, and especially the vast financial resources of the rulers. All of this knowledge was to stand him in good stead in his later work in the Orient.

[57]It is strange that Ferrero has not noted the probable influence on Antony of this campaign with Gabinius. He merely mentions that Antony was an officer with Gabinius. *Greatness and Decline of Rome*, II, p. 64.

CHAPTER II

CONDITIONS IN THE EAST

After Philippi (October, 42 B. C.) the position of Antony was assured, since the soldiers considered that the victory was due largely to him, on account of Octavian's illness at the time of the battle.[1] Accordingly, his was the deciding voice in the arrangements which followed. He chose the East.[2] Moreover, he took Gallia Narbonensis from Lepidus and retained Gallia Comata and Cis-Alpinė Gaul, which he held by a previous arrangement of the triumvirs.[3] It is important to note that he retained these large interests in the West.

It seems hardly probable that Antony had a dream of a great empire such as had been the hope of the great leaders of the East since the time of Alexander; nor, on the other hand, did he choose the East for the easy indulgence of his sometimes exaggerated sensuality. He was a faithful pupil of Caesar, under whom he had served in Gaul as a trusted lieutenant, at the outbreak of the civil war as champion of his interests, at Pharsalia as commander of the left wing, during Caesar's absence from Italy as his special representative in Rome, and on his death as custodian of his papers. Under Caesar's influence for so long a time, Antony must have come to regard the East as the proper sphere of Roman aggression. In the East were highly cultivated lands, important trade routes from the Orient, and wealthy cities famed for commerce and manufacture. From an economic viewpoint Syria especially was second only to Egypt in importance. Although, by means of irrigation, agriculture throve in these highly cultivated lands, it was in manufactures that Syria laid

[1]Appian, *B. C.* IV, 108; V, 14; Suet. *Aug.* 13.

[2]Eutrop. VII, 3; Joseph. *Antiq. Jud.* XIV, 12, 2; Liv. *Epit.* CXXV; Strabo, XVII, 1, 12.

[3]Dio, XLVI, 55; Appian, *B. C.* IV, 2. For a discussion of the division of the provinces vid. Ganter, *Prov. Verw.*, pp. 1-8.

her chief claim to riches.[4] The seaports were commercial centers, not only for their own products but also for the great quantities of goods brought along the Euphrates trade routes.[5] When Cicero says that the land of Asia is so fertile that in the productivity of its fields, in the variety of its produce, in the extent of its pasture lands, and in the diversity of its exports it excels all other lands, can we wonder then that he should maintain that in the East were Rome's largest and most certain revenues upon which her very life depended?[6] Antony needed money. In addition to the vast sums required for the maintenance of their power, the triumvirs owed five thousand drachmae to each soldier. To collect this money was one of Antony's tasks,[7] but before regular payments could be assured, steps had to be taken to re-establish Roman administration in the East, so completely disorganized had it become during the years of the civil wars. To re-establish the authority of Rome in that district upon which the revenue of the Roman people was so largely dependent was to be Antony's greatest work.[8] In the accomplishment of this work it appears that Antony, instead of establishing kingdoms here and there as his fancy dictated, followed a most consistent plan, a plan which the great powers of today still employ, that of the buffer-state. What could be more in accordance with Roman method than to organize the numerous peoples of Syria and Asia Minor[9] into buffer-states against the power of Parthia and to insure the safety of these states against the inroads of this coun-

[4]Sidon was famed for her glass manufacture; Tyre, Sarepta, Dora, and Caesarea for their purple dyes; Berytes and Tyre for their fine linens and silks.

[5]Cf. Mommsen, *Rom. Prov.* II, pp. 148-152.

[6]Cic. *Ad. Fam.* XV, 1; *Leg. Man.* II, VI, VII. The annual tribute acquired by Pompey in the East was 35,000,000 drachmae. Before this the entire annual revenue of Rome had been 50,000,000 (Plutarch, *Pomp.* 45. Cf. Tenney Frank, *Rom. Imp.* p. 327).

[7]Plut. *Ant.* 23; Appian, *B. C.* V, 3; Dio, XLVIII, 30.

[8]Vell. Pat. II, 74; Suet. *Aug.* XIII.

[9]The term Asia Minor is first found in Oros. I, 2 (about 410 A. D.); the Ancients used the term "On this side of the Taurus." Cf. Bevan, *House of Seleucus,* Vol. I, p. 76.

try by a successful predatory raid into its territory? To comprehend the magnitude of the task which lay before him, a consideration of the complications in Asia Minor and in Syria and the forces at work to produce these conditions will be necessary.

From the earliest times there had been neither a national nor a political union in Asia Minor. The Persian subjugation of Asia Minor was very incomplete. That empire could never establish its power firmly at any great distance from the great highways; consequently, the mountain-peoples continued to obey their hereditary chiefs, with the necessity now and then of furnishing troops or tribute to the government. Often, to eliminate trouble as far as possible, these chiefs were recognized as the representatives of the imperial government in return for payment of tribute. No central government, therefore, was able to form a real political union in Asia Minor.

The Greeks had early replaced, by their highly organized network of self-governing cities, the rudimentary social and political organizations, in which as a rule the village was the unit.[10] While, with a few exceptions along the roads, there were no Greek cities more than fifty miles from the coast, these cities have been estimated to have been five thousand in number,[11] and in many cases rich and populous centers of Greek life and civilization. They were compelled to carry out their administration to a large extent with and through these cities.

In Syria during the last years of the House of Seleucus, the actual masters were the Arabian princes of the desert, the Jews, the Nabateans, and robber chieftains.[12] In constant conflict with one another, these princes had brought Syria to a state of ruin. On the coming of Pompey (64 B. C.) the usurpers were set aside,

[10]Cf. Arnold, *Rom. Imp.*, p. 227; Chapot, *Prov. Rom.*, p. 103.

[11]Arnold, *Rom. Imp.*, p. 232; Duruy, *Hist. Rome*, p. 711.

[12]Mommsen, *Rom. Hist.* IV, p. 422. Of the last class, for example, was the powerful Ptolemaeus, son of Mennaeus of Chalcis, one of the richest men of the period. He ruled over the territory between the Lebanon and anti-Lebanon as well as along the lower half of the valley of Coele-Syria, including the cities of Heliopolis (Baalbek) and Chalcis. He maintained 8000 horsemen at his own expense.

the Arabs restricted to their own domain, and the robber chiefs forced to give up their strongholds or pay large tribute.[13] Syria, with the exception of the cities that were given their freedom and districts left to national dynasts under Roman influence, was made a Roman province and put under the direct rule of a Roman governor.[14] The kingdom of the House of Seleucus had come to an end.[15] The Roman organization, however, was more nominal than real. With civil war raging in Rome, the deposed princes appear again to have profited by the general disorganization.[16] In the disaffection of these princes was a very real danger to the Roman East. On the other side of the Syrian desert were Parthians, ever watchful and alert, the hereditary enemies of the Greek East and its successor, the Roman Empire.[17] "When the Romans in the last age of the Republic came into immediate contact with Iran, they found in existence the Persian empire regenerated by the Parthians."[18] The latter had championed the cause of the Syrian princes in pursuance of their policy of strengthening any resistance to the power of Rome. Parthia was rapidly becoming a most important factor in the Roman policy in the Orient. It was the only great state upon which Rome bordered.

As long as Armenia maintained itself as a power to be feared in the Orient, the Parthians had been more or less friendly to the Romans[19] as the enemy of their common foe, Tigranes. Pompey and Phraates even made an alliance, with the provision that Phraates should invade Armenia while Pompey fought Mithridates, and as a reward Gordyene, which Armenia had seized, should be returned to Parthia. After the fall of the Pontic king-

[13]Joseph. *Antiq. Jud.* XIV, 3, 2.

[14]For a discussion of Pompey's work vid. Mommsen, *Rom. Hist.*, IV, pp. 400-453.

[15]Bevan, *House of Seleucus,* II, p. 267; Mommsen, *Rom. Hist.* IV., pp. 162-170.

[16]Cassius encouraged many of them in return for money payments.

[17]Cf. Radin, *Jews Among Gks. and Roms.,* p. 287.

[18]Mommsen, *Rom. Prov.* II, p. 2. Cf. Radin, *Jews Among Gks. and Roms.,* p. 267; p. 370.

[19]Strabo, XVI, 1, 28.

dom Pompey, true to the Roman policy of favoring a weakened and powerless foe at the expense of an ally who was in a position to become dangerous, left Tigranes in full possession of his kingdom, the province of Gordyene included.[20] When Phraates attempted to seize the province, Pompey's legate Afranius promptly drove his troops from the country. Nor did the Romans respect the Euphrates as the boundary granted by Lucullus,[21] for rulers of Edessa were received under Roman protection. Everything seemed to point toward the establishment of the great Syro-Mesopotamian desert as a boundary, with Armenia in the position of a Roman client state. Permanent peace between Parthia and Rome was impossible. "The subsistence side by side of great states with equal rights was incompatible with the system of Roman policy, we may even say of antiquity in general. The Roman empire knew as a limit in the strict sense only the sea or a land district unarmed." [22] On the murder of Phraates by his sons Mithridates assumed the offensive against Rome by declaring war on Armenia in a dispute over boundaries; but civil strife arose in Parthia and Mithridates fled to Gabinius, as has been mentioned before. Crassus took up the interrupted plans of his predecessor, only to meet with disaster at Carrhae. The Parthians now had absolute control beyond the Euphrates and Armenia became a Parthian dependency. The policy of aggression, which the Parthians consistently pursued until after the defeat of their leaders, Labienus and Pacorus, now brought them into alliance with the Jews and other peoples of Syria who were eager to be relieved of Roman domination.

The importance of Parthian influence in Judaea must not be underestimated. It must be remembered that Parthia was a continuation of Persia and that of all foreign domination the Persian rule was the one which the Jews most highly respected.[23] While it can be assumed that there had long been a pro-Parthian

[20] *Ibid.* VI, 1, 24; Appian, *Mith.* 105.

[21] Vid. Mommsen, *Rom. Hist.* IV, p. 343, for the treaty between Lucullus and the Parthians.

[22] Mommsen, *Rom. Prov.* II, p. 22.

[23] Radin, *Jews among Gks. and Roms.*, p. 267.

party in Judaea fostered by the communication of the Jews in the two countries, it was not until after the defeat of Crassus that the first record of an actual alliance is found. The Roman disaster at Carrhae stimulated the anti-Roman Jews to action, and an alliance was formed with the Parthians in the hope that through them Roman influence could be destroyed and the old theocratic government restored. Pitholaus, who, since his desertion to Alexander at the time of the revolt against Gabinius,[24] had established himself as the leader of the Nationalists, joined the Parthians in their attack on the remnant of the army of Crassus, which had been reorganized under Cassius Longinus. The time seemed opportune, for large bodies of Parthians had crossed the Euphrates and were ravaging Syria. The Roman troops were inadequate, and there was little confidence to be placed in a levy to be raised in the provinces, for auxiliaries from the allies, owing to the harshness and injustice of Roman rule, were either so disaffected toward Rome that it was impossible to trust them or were too weak to be of any considerable service.[25] Contrary to all expectations, Cassius drove the Parthians from the neighborhood of Antioch and, after defeating them in an ambuscade, killed their leader Osaces.[26] The army of Pitholaus was also defeated and he himself put to death, largely through the influence of Antipater, who feared his power among the anti-Roman Jews.[27] The Parthians withdrew into winter quarters in eastern Syria, where they remained during the winter months in the expectation of a renewed attack in the spring of 50 B. C.; but, owing to civil dissension at home, the troops were recalled and the danger to Roman interests averted.[28]

During the civil war in Rome, most of the great leaders in turn came to Syria, some to recruit money and supplies, others to put down disturbances. The politic Antipater, changing sides

[24]Joseph. *Antiq. Jud.* XIV, 6, 1; *Bell. Jud.* I, 8, 6.

[25]Cic. *ad Fam.* XV, 1.

[26]Cic. *ad Att.* V, 20; 18; *ad Fam.* II, 10; XV, 14; Frontin. *Strateg.* II, 5, 35; Dio, XL, 29.

[27]Joseph. *Antiq. Jud.* XIV, 7, 1.

[28]*ad Att.* V, 21; VI, 1; Dio, XL, 30; Just. XL, 11, 4, 5.

as the fortunes of the leaders changed, made himself so useful to each in turn that his former alliances were overlooked. In return for aid given when victory seemed hopeless at Alexandria,[29] Caesar restored to the Jews many of the privileges of which Pompey had deprived them. He confirmed Hyrcanus as hereditary High Priest[30] and appointed him ethnarch of the Jews, thus restoring him to the poltical status taken away by Gabinius.[31] He made Antipater a Roman citizen and procurator of Judaea.[32]

Now that Antipater was established as the representative of Rome in Judaea, he set about restoring order. He made his son Phaselus governor of Jerusalem and its surrounding territory and his younger son Herod governor of Galilee.[33] The energetic Herod soon quarreled with the anti-Roman Sanhedrin and was forced to flee for his life to Sextus Caesar,[34] who championed his cause and made him general of the army of Coele-Syria. He was deterred from his intention of making war on the anti-Roman faction in Judaea[35] and was for some time engaged in helping Sextus with his work as governor of Syria.

At this juncture (46 B. C.) the Pompeian party rallied about Caecilius Bassus and put Sextus Caesar to death. Bassus seems to have been seeking an independent principality for himself in Syria.[36] Antipater sent aid under his two sons to Antistius Vetus, Caesar's representative,[37] while the Parthians, with whom Pompey himself had made negotiations and who had re-

[29]Joseph. *Antiq. Jud.* XIV, 8, 1-2.

[30]*Ibid.* XIV, 8, 3-5.

[31]*Ibid.* XIV, 117, gives the powers of an ethnarch. Cf. also Sands, *Rom. Client Princes,* Appendix.

[32]It is impossible to determine exactly what Josephus means by procurator, for his use of technical terms is extremely vague. Cf. Mommsen, *Rom. Prov.* II, p. 189, n.

[33]Joseph. *Antiq. Jud.* XIV, 9, 2; *Bell. Jud.,* I, 10.

[34]Joseph. *Antiq. Jud.* XIV, 9, 1.

[35]Joseph. *Antiq. Jud.* XIV, 9, 5; *Bell. Jud.* I, 10.

[36]Dio, XLVII, 26-27; Liv. *Epit.* 114; Joseph. *Antiq. Jud.* XIV, 11, 1; Appian, *B. C.* III, 77, IV, 58.

[37]Joseph. *Antiq. Jud.* XIV, 11, 1; *Bell. Jud.* I, 10.

mained friendly to his cause,[38] sent aid to Bassus, then besieged in Apamea.[39] With their assistance Bassus continued to maintain his position during the year 45. This aggression on the part of the Parthians probably caused Caesar to hasten his plans for a great campaign in the Orient.[40] His assassination put an end to these plans.

In October, 44 B. C.,[41] Cassius went into Syria to gain this province for the Liberators and to raise money for their cause.[42] He won over the forces besieging Bassus at Apamea[43] and later even the forces of Bassus himself.[44] In this way a division of Parthians came into the power of Cassius.[45] An opportunity seemed to offer itself to Cassius to carry out Pompey's plan of seeking aid from Parthia.[46] He dismissed the Parthians with gifts and sent with them an embassy to Orodes, the king, to ask for aid.[47] The Parthians recognized the fact that it was to their advantage for Roman arms to be engaged in civil war rather than to be turned against them. Accordingly, they sent a body of Parthian horse.[48]

After his victory at Apamea, Cassius set to work to obtain funds for the Liberators by levying exorbitant tribute. Antipater, consistent with his policy of proving himself valuable to each Roman leader in turn, immediately made efforts to collect the portion assigned to him. It was through such financial speculations as this that the pro-Roman Jews had grown apart from the reactionary element. The life of these capitalists involved a close association with the Roman officials. Marked discrepancies

[38]Appian, *B. C.* II, 83.
[39]Cic. *ad Att.* XIV, 9; Dio, XLVII, 27.
[40]Appian, *B. C.* II, 110; *Illyr.* 13.
[41]Vid. Ferrero, *Greatness and Decline of Rome,* Vol. III, p. 107.
[42]Dio, XLVII, 21; Vell. Pat. II, 62; Cic. *Phil.* XI, 27.
[43]Dio, XLVII, 28; Appian, *B. C.* IV, 58.
[44]Cic. *ad Fam.* XII, 11, 12; Joseph. *Antiq. Jud.* XIV, 11, 12; *Bell. Jud.* I, 11, 1.
[45]Appian, *B. C.* IV, 59.
[46]*Ibid.* II, 83.
[47]*Ibid.* IV, 63.
[48]Appian, *B. C.* IV, 88.

of social custom such as dietary regulations and differences in dress were untenable. The pro-Roman Jews were largely the moneyed class, composed not of the great landholders, but of men whose fortunes had been made by the Roman system of taxation: whose very existence depended upon the supremacy of Roman power.[49] Herod, working for his own interests as well as those of the Romans, then, was the first to hand in his quota, and as a reward Cassius appointed him general of Coele-Syria.[50] On the other hand, when a city failed to raise its assessment, Cassius sold the inhabitants into slavery.[51] As a result, war broke out again in Judaea, for this outcome of affairs was a great blow to the Nationalists, who had held high hopes of the fall of the Idumeans on the death of Caesar. They had not realized that the Idumeans were supporting the Roman interests for selfish motives and that the wily Antipater would ingratiate himself into the favor of each faction in turn. When it was rumored that Herod was to be made king of the Jews, the Nationalists contrived to have Antipater poisoned.[52] Cassius supported Herod in his efforts to have the murder avenged, and Hyrcanus, although the murderer had been his friend, took no steps to protect him when he realized that he was being punished with the approval of Cassius. Thereafter Hyrcanus was under control of the pro-Roman Herod and Phaselus, his brother. Cassius soon went to join Brutus in their final stand at Philippi. The anti-Roman Jews found a leader in Antigonus, son of Aristobulus II, who endeavored to regain Judaea for his family.[53] His father-in-law, Ptolemy of Chalcis, who had regained much of the power taken away by Pompey, and Marion, tyrant of Tyre, came to his support. They seized three fortresses in Galilee.[54] It was with affairs in this state of disorder that Antony took up his work of re-organization.

[49]Cf. Radin, *Jews among Gks. and Roms.*, pp. 129-130.
[50]Josephus. *Antiq. Jud.* XIV, 11, 4.
[51]Joseph. *Antiq. Jud.* XIV, 11, 2; Appian, *B. C.* IV, 64.
[52]*Ibid.* XIV, 11, 3-4.
[53]Joseph. *Antiq. Jud.* XIV, 11, 7; 12, 1; Head, *Hist. Num.* 682.
[54]*Ibid.*

CHAPTER III

ANTONY'S PROVINCIAL ADMINISTRATION

Soon after the settlement at Philippi Antony set out for Greece.[1] On his way he stopped at Thasos,[2] where the Liberators had located a depot of supplies[3] and whither many of the nobility had fled after the battle. An arrangement was made with them whereby they delivered to Antony the money, arms, and supplies stored there.[4]

From Thasos Antony proceeded to Greece. Here he attended the various games and was initiated into the Eleusinian mysteries. Plutarch[5] attributes his conduct in Greece to a mere love of pleasure and a passion for amusement. There seems to be a deeper reason. When Octavian went into the East (22 B. C.) he visited Athens, where he also was initiated into the Eleusinian mysteries, and Sparta, where he partook of the famous broth of the syssitia.[6] Yet sentimental enthusiasm of any kind could never be assigned to Octavian, and it would be an exaggeration to call him a Philhellene.[7] Surely he, as Antony before him, saw the value of such steps in influencing public opinion in the Greek cities of Asia Minor. The Parthian kings followed the same policy. It was because of the influential Greek

[1]Plut. *Ant.* 23. No other source mentions this stop in Greece, but, since his conduct there, as given by Plutarch, corresponds with his policy in general, there is no reason to doubt his stay there. Gardthausen, II, 84, n. 6, accepts the stop in Greece, and offers as the reason Antony's well known love of Athens.

[2]It is curious that with the exception of Drumann, *Gesch. Roms* I, p. 388, this seems nowhere mentioned in the secondary works. Appian, *B. C.* IV, 136, the only source, mentions it in connection with the battle of Philippi, not with Antony's expedition into Asia.

[3]Appian, *B. C.* IV, 106.

[4]*Ibid.* 136.

[5]Plut. *Ant.* 23.

[6]Arnold, *Rom. Imp.*, p. 192.

[7]*Ibid;* Ferrero, *Greatness and Decline of Rome,* V, p. 7.

cities[8] in their domain that they placed "Philhellene" as a title on their coins.[9] Much of Antony's work lay in Asia Minor, where the Greek cities, with their abhorrence of everything that restricted the sovereign autonomy of each city-state, created a problem for any power aspiring to rule Asia.[10] Antony, therefore, entered into the various phases of Greek life, not merely to gratify his own pleasure, but rather to become recognized as an enthusiastic Philhellene[11]. In this fact lies the importance of his stay in Greece.

In the early spring[12] Antony left Lucius Censorinus to continue the government of Greece[13] and sailed for Asia, in all probability landing at Ephesus.[14] Josephus[15] evidently supposes that Antony entered Asia by the northern land route, since he states that a commission of Jews met Antony in Bithynia before he came to Ephesus.[16] It seems more probable that the larger and more important delegation, composed of Herod and the prominent Jews of the Nationalist party which met him in Bithynia, would be preceded by the smaller delegation which brought him propitiatory gifts at Ephesus. Furthermore, in the decrees[17] which Antony issued at the request of the delegation which met

[8]Greek towns in large numbers were scattered throughout the empire. Rawlinson, *Parth.* p. 88. Appian, *Syr.* 57-58 names these cities. One of the most important was Seleucia. Plin. *N. H.* VI, 30; Tac. *Ann.* VI, 42; Appian, *Syr.* 57. Mommsen, *Rom. Prov.* II, p. 10 discusses these cities.

[9]Head, *Hist. Num.*, pp. 692-3.

[10]Bevan, *House of Seleucus*, I, p. 88.

[11]Plut. *Ant.* 23. Bevan, *House of Seleucus*, I, pp. 100-126, discusses the problem of the Greek cities.

[12]Ganter, *Prov. Verw.*, p. 33, p. 35.

[13]Macedonia, Greece, and Illyria seem to have been united into one province known frequently under the name of Macedonia. Ganter, *Prov. Verw.*, p. 31, n. 3, by CIL. I, p. 461, shows that he had charge of Greece and Macedonia, not Greece alone. Plut. *Ant.* 23.

[14]Chapot, *Prov. Rom.*, p. 139, assumes from Appian, *B. C.* V, 4 that he landed at Ephesus.

[15]Joseph. *Antiq. Jud.* XIV, 12, 2.

[16]Bouché-Leclerq, *Hist. Lag.* II, p. 233, N. 3.

[17]Joseph. *Antiq. Jud.* XIV, 12, 3.

him at Ephesus he mentions a former embassy to Rome but does not mention a previous delegation to him in Bithynia. Therefore it seems better to place the delegation to Bithynia after that to Ephesus and, as a consequence, to conclude that Antony entered Asia by the way of Ephesus rather than by the way of Bithynia.

The fact that Antony would be compelled to transport his troops to Asia by the northern route because of lack of ships[18] would not have prevented his own visit to Athens and Ephesus before rejoining his troops in the north. Furthermore, Ephesus was the seat of the Roman proconsul in Asia,[19] where were kept the public records[20] and the treasury of the province.[21] Therefore, if Antony's visit to Athens is accepted, it is not illogical to conclude that he sailed from Athens to Ephesus as the most feasible place to begin his work of reconstruction in Asia.[22]

Modern historians, placing full reliance on Plutarch's stories of Antony's excesses while in Asia, lay great emphasis on the extravagant reception accorded to him on his arrival at Ephesus and see in his succeeding actions nothing of the proceedings of a Roman magistrate, but only the erratic conduct of a man given over to gratifying his own lusts and desires.[23] It seems, however, that by a careful culling from the stories of cooks, harpists, and courtesans those statements which, although given incidentally, point toward his general policy of administration, the conduct of Antony in the Orient can be shown to correspond in a remarkable degree to the customary procedure of a Roman proconsul.

[18]Ganter, *Prov. Verw.*, p. 33.

[19]Chapot, *Prov. Rom.*, p. 292.

[20]CIL. III, 6075, 6081, 6082; Chapot, *Prov. Rom.*, p. 138.

[21]CIL. III, 6077; Chapot, *Prov. Rom.*, p. 138.

[22]Chapot, *Prov. Rom.*, p. 138, states that so strong a precedent arose for the governors to enter Asia at Ephesus that Caracalla issued a decree to that effect. For a discussion of Ephesus as the κοινὸν Ἀσίας vid. Chapot, *Prov. Rom.*, pp. 454-467.

[23]Bouché-Leclerq, *Hist. Lag.* II, p. 232; Gardthausen, *Aug.* I, p. 183; Ferrero, *Greatness and Decline of Rome*, III, 227; Duruy, *Hist. Rome*, III, p. 615; Chapot, *Prov. Rom.*, p. 55.

Plutarch[24] says that women met him dressed as Bacchae, men as Fauns and Satyrs,[25] all addressing him as Dionysus in their songs. This enthusiastic reception as a means of winning the favor of the new governor was usual, especially in the East, where the people, accustomed to a servility which carried respect for a master almost to adoration, made the governor the object of the most flattering and impressive demonstrations.[26] To the Oriental mind the relation between governing and governed was that between master and slave.[27] Cicero[28] boasts of the crowds that met him even at Samos.[29] There is extant an extravagant decree of the Ephesians in honor of Caesar.[30] Even Paul and Barnabas were addressed as Jupiter and Mercury on their entrance to Lycaonia.[31]

Antony, on his part, offered a splendid sacrifice to the city-goddess Artemis[32] and doubled the area of sanctity for the temple.[33] Here again censure has come to Antony for such a "reckless arrangement." [34] Yet in earlier times Alexander had granted an extension of the right of asylum at Ephesus. Indeed, to extend the privilege of Greek temples and to make contributions to their enlargement was the easiest way for a ruler to demonstrate his usefulness to the Greek cities.[35] The prestige and splendor of the city shrine brought worshippers and visitors who made the festivals popular, quickened trade, and brought money to the

[24]Plut. *Ant.* 24.

[25]Vid. Brown, *The Great Dionysiac Myth,* II, p. 66, for the place of Satyrs in the worship of Dionysus.

[26]Person, *Admin. Prov. Rom.*, p, 273.

[27]Bevan, *House of Seleucus,* I, p. 5.

[28]Cic. *ad Att.* V, 13; 14; 20.

[29]D'Hugues, *Prov. Rom.* pp. 216-218.

[30]Judeich, *Caesar im Orient,* p. 62.

[31]Acts XIV, 11.

[32]Appian, *B. C.* V, 4.

[33]Strabo, XIV, 1, 23.

[34]Arnold, *Rom. Imp.,* p. 232.

[35]Bevan, *House of Seleucus,* I, p. 109. Caesar also gave Antony precedent, in that he larged the territory of the Comana and Zela priests. Judeich, *Caesar im Orient,* pp. 117, 156.

city. To gain the good will of the cities similar concessions had been given by the various competitors for power in Asia. These cities, aside from commercial reasons, considered it advantageous to have large sacred asylums in that this was a guarantee against devastation in time of war.[36] Furthermore the influence of the priests at the head of such largely endowed sanctuaries must not be underestimated. Since the Lycians were lacking in large city buildings they assembled in the temples to discuss public affairs, often with the priest presiding. Therefore the Greeks, although usually intolerant of priestly supremacy, found the cult of Artemis useful as a fusion of Oriental and Hellenistic ideas.[37] The immense sacerdotal interests which had developed here were too strong to be treated disrespectfully even by Octavian.[38] Accordingly, it seems that Antony had ample reason for his action in the influence he would thus gain at Ephesus.

In criticizing Antony for increasing the area of sanctity it has been held that this right increased lawlessness by furnishing a place of refuge for criminals. It must be remembered that the Roman conception of the right of asylum differed from that of the Greeks in that it took little account of the religious sentiment when it came into contact with the proper punishment of evildoers and criminals. The right of asylum was limited to temporary protection, until formal trial could be made and judgment based on evidence could be given. In this way it became an aid rather than a hindrance to criminal procedure.[39]

That Antony held the Roman rather than the Oriental view of sanctuary is shown by the fact that, of those refugees who had fled to the temple after the defeat of Brutus and Cassius, he refused pardon to Petronius, who had taken part in the murder of Caesar, and to Quintus, who had betrayed Dolabella to Cassius at Laodicea.[40] Loyalty to the government was a condition

[36] Chapot, *Prov. Rom.*, p. 40.

[37] *Ibid.*, p. 398.

[38] Arnold, *Rom. Imp.*, p. 232.

[39] Trenholme, *Right of Sanctuary in England*, pp. 6-7.

[40] Appian, *B. C.* V, 41; Chapot, *Prov. Rom.*, p. 407.

essential to the recognition of the right of sanctuary.[41] This fact, rather than the influence of Cleopatra, explains the execution of Arsinoe when she was a suppliant at the temple of Artemis.[42]

In a comparison of Antony's work in the Orient with that of a Roman proconsul, it is necessary to keep in mind the absolute power of a governor in his province. Under the republic there was placed at the head of each province a magistrate, sometimes a consul or praetor, more often a proconsul or a propraetor.[43] From the day when he received the office from the hands of his predecessor his authority was supreme. As far as the province was concerned, he was an absolute dictator who had every power over it and over whom it had no power. As far as Rome was concerned he was practically independent. No one could force him to resign or prescribe his line of conduct. In his province he was the equal of the consul at Rome. Like him he had his lictors and all the appurtenances of public authority. In reality he was more powerful than the consul, for he was not hampered by the senate, tribunes, and censors. An unscrupulous governor could unite in his own authority the powers of most of the magistrates of the capital.[44]

The first duty of a governor was to issue an edict that should set forth the rules and regulations of law and equity that he intended to follow in the exercise of his jurisdiction.[45] The edict consisted of two parts. In the first division were the affairs

[41]Chapot, *Prov. Rom.*, p. 407.

[42]Appian, *B. C.* V, 9, states that she was killed at Miletus; Joseph. *Antiq. Jud.* XV, 4, at Ephesus. Dio XLVIII, 24, says ἀδελφούς. Gardthausen, *Aug.* II, p. 86, n 18, suggests that Dio was thinking of the false Ptolemy, who called himself a brother of Cleopatra and who was given into Antony's power. Chapot, referring to Mommsen's *Strafrecht*, p. 460, n. 1, says that the Romans may have considered the right of asylum a hindrance only to the local authorities. He explains Antony's action accordingly.

[43]Chapot, *Prov. Rom.*, p. 282, discusses the various appointments of these magistrates.

[44]Person, *Admin. Prov. Rom.*, p. 366.

[45]*Ibid.*, pp. 270-3; Arnold, *Rom. Prov. Admin.*, p. 54; D'Hugues, *Prov. Rom.*, p. 298. Cic. *ad Att.* VI, 1, gives a summary of his edict.

which were properly within the jurisdiction of the governor, such as the accounts of the cities, their debts, the rate of interest, and all matters pertaining to the collection of taxes. In the second division were matters which would be decided according to the edict and for which the edict had to provide, such as wills, acquisitions, and mortgages.[46] For matters not treated in the edict the governor formally referred to the edicts of his predecessors, which formed a legal code in themselves, the *edictum tralaticium*.[47] While there is no mention of Antony's issuing an edict as such, he did summon to an assembly at Ephesus the peoples of the surrounding territory, as was customary, and delivered to them an address corresponding in part to the first division of a governor's edict in that it was a statement of his policy, of the levies expected from these peoples, and the time of payment.[48] It is probable that such matters as were usually taken up in the second part of the edict were included in a formal publication, but Appian would scarcely incorporate such material into a speech even if he had the source material for so doing.

As soon as possible after issuing his edict the governor began a tour of his province,[49] holding court at the towns set apart as convenient centers in which he was accustomed to stop and hold court.[50] For convenience the provinces were divided into *conventus iuridici*.[51] Pliny[52] enumerates the *conventus* of the provinces after the reorganization by Agrippa, naming the important cities of each.[53] In planning his route the governor in-

[46]Person, *Admin. Prov. Rom.*, pp. 270-3.

[47]Arnold, *Rom. Prov. Admin.* p. 55; Cic. *ad Att.* V, 21; *ad Fam.* III, 8, 4.

[48]Appian, *B. C.* V, 4-5.

[49]Arnold, *Rom. Prov. Admin.*, p. 59; Chapot, *Prov. Rom.*, p. 352; Person, *Admin. Prov. Rom.*, p. 278.

[50]Cic. *in Verr.* V, 11.

[51]Strabo, XIII, 4, 12; Cic. *ad Fam.* XIII, 67, where he uses the Greek term; *ad Fam.* III, 8, where he uses the latinized *dioecesis*.

[52]*N. H.* V, 25 sq. He mentions Laodicaea, Synnada, Apamea, Alabanda, Sardis, Smyrna, Ephesus, Adramyttium, and Pergamum.

[53]Vid. Chapot, *Prov. Rom.*, pp. 351-358, for a discussion of the *conventus iuridici*.

cluded as far as was possible these cities, but it was by no means necessary to visit each one. Cicero[54] carried on the greater part of his judicial work in Laodicea, where cases were tried from the districts of Cibyra, Apamea, Synnada, Pamphylia, Lycaonia, and Isauria.

Antony set out on such a tour as soon as his work at Ephesus was completed.[55] In a discussion of this tour it must be remembered that Antony's work did not lie in one province alone, but included the administration of all territory in the Orient dominated by Rome. Appian[56] gives the only definite statement of the districts included in Antony's tour. He states that Phrygia, Mysia, Cappadocia, Cilicia, Coele-Syria, Palestine, Iturea, and the other provinces of Syria were included. Josephus includes Bithynia.[57] A conjectural route would pass through Ephesus, Smyrna, Sardis, Magnesia, Pergamon, Adramyttium, Cyzicus, Nicaea, Ancyra, Pessinum, Synnada, Icanium, Cybistra, Tyana, Tarsus, Antioch, Laodicea, Apamea, Epiphania, from which a cavalry expedition was sent to Palmyra, Damascus, through Iturea, across Palestine to the coast and thence to Egypt.

On this tour it was the duty of the governor to attend to the repair and maintenance of all public buildings, roads and fortifications.[58] Accordingly, while in Greece, Antony made rich gifts to Athens, ordered that repairs be made on the senate-house at Megara and that the temple of Pythian Apollo be surveyed preparatory to certain additions.[59] While on his tour of the East he gave relief to the cities that had suffered devastation

[54] *ad Att.* V, 21. Cicero's province consisted of Cilicia, Aspera and Campestris, Pisidia, Isauria, and Lycaonia. To these had been temporarily added three "Dioeceses" in Phrygia, Laodicea, Apamea, and Synnada, and the Island of Cyprus. Vid. Shuckburg, *Introduction to Letters of Cicero,* Vol. II, p. IX.

[55] Appian, B. C. V, 7.

[56] *Ibid.*

[57] *Antiq. Jud.* XIV, 12, 2.

[58] Person, *Admin. Prov. Rom.* p. 279.

[59] Plut. *Ant.* 23.

during the civil wars,[60] established a gymnasium at Tarsus,[61] and ordered the rebuilding of Xanthus.[62]

In his military capacity the governor directed that levies be made[63] and could in case of need call out any veterans that might be living in the province.[64] Antony incorporated the garrisons of the country around Apamea into his own forces and assigned them to garrison duty in Syria because they knew the country.[65] For naval purposes he ordered two hundred ships to be built and manned.[66]

It was, however, in the capacity of supreme judge that the proconsul impressed himself most strongly upon the minds of the provincials.[67] Although the inclination of the governor largely decided the extent of his authority,[68] in the performance of his judicial function the governor was endowed with absolute power, for, in theory, the province was perpetually under martial law.[69]

There are but few references in the sources to actual judicial work on Antony's part with the exception of dynastic disputes. Plutarch states first that Antony's judicial decisions at Athens were just and equitable;[70] second, that when Cleopatra arrived at Tarsus Antony was seated in the tribunal with the people assembled before him in the agora;[71] and third, that frequently when he was administering justice to tetrarchs and kings on his tribunal, he would receive from Cleopatra love letters written on onyx or crystal and read them.[72] It is therefore to be assumed that he held court in the important towns on his tour.

[60]Appian, *B. C.* V, 7.
[61]Strabo, XIV, 5, 14.
[62]Appian, *B. C.* V, 7.
[63]*Bell. Alex.* 50.
[64]Cic. *ad Att.* V, 18.
[65]Dio, XLVIII, 25.
[66]Appian, *B. C.* V, 55; Plut. *Ant.* 30.
[67]Arnold, *Rom. Prov. Admin.*, p. 59.
[68]*Ibid.*, p. 61.
[69]*Ibid.*, p. 62.
[70]*Ant.* 23.
[71]*Ibid.* 26.
[72]*Ibid.* 58.

In case of quarrels between cities, tributes, or contestants to a throne the governor was frequently called in as arbitrator.[73] When he felt that he was not in a position to settle such questions he referred the case to Rome for instructions.[74] Cicero was called upon to settle a dispute between Ariarathes and his brother Ariobarzanes.[75] Antony likewise judged between rival claimants to thrones.[76] Among such cases was the dispute between Ariarathes and Archelaus (Sisena).[77]

Appian attributes Antony's award of the kingdom to Archelaus in preference to Ariarathes to the influence of his beautiful mother, Glaphyra.[78] Consequently modern historians cite this as an instance of Antony's favoritism and caprice.[79] When the relationship between Archelaus and Herod is recalled, a different light in thrown on the situation. Archelaus was exceedingly friendly with Herod.[80] His daughter, Glaphyra, married Herod's son, Alexander. Ariarathes had had constant trouble in maintaining his position in Cappadocia. Although a portion of

[73]Person, *Admin. Prov. Rom.*, p. 278.

[74]*Ibid.*, p. 279.

[75]Cic. *ad Fam.* XV, 2; *ad Att.* 20; *ad Fam.* XV, 4.

[76]Appian, *B. C.* V, 7; Plut. *Ant.* 24.

[77]Appian, *B. C.* V, 7, places this decision in the year 41; Dio, XLIX, 32, in the year 36; *Val. Max.* IX, 15, 2, gives no date; Tac. *Ann.* II, 42, in 34. Since Tacitus states that the decision took place 50 years before 16 A. D., Gardthausen, *Aug.* II, p. 185, n. 12, says that Tacitus was using round numbers and did not contradict Dio. He says that Ariarathes ruled from 42 to 36 and struck coins as king during that period. (Head, *Hist. Num.*, p. 633). Niese (article in Pauly-Wissowa under Ariarathes) states a preference for 41 without entering into the discussion. It seems probable that Antony made the decision in favor of Archelaus in 41 but did not enforce it until 36 when he was again taking up such matters. Hence I put the decision in 41. This explanation would eliminate the seeming contradiction in Appian and Dio.

[78]*B. C.* V, 7. It is amusing to note that Plutarch, Ant. 58, insists that Antony was so infatuated with Cleopatra at this time that he would interrupt the procedure of such cases to read her love letters.

[79]Ferrero, *Greatness and Decline of Rome*, III, p. 390; Bouché-Leclerq, *Hist. Lag.* II, p. 233; Gardthausen, *Augustus*, I, p. 292; Drumann, *Gesch. Roms* I, p. 390. Martial, XI, 20, lends weight to this opinion.

[80]Joseph. *Antiq. Jud.* XVI, 8, 6.

lesser Armenia had been assigned to him by Caesar in 47 B. C.,[81] not a foot of his possessions remained in his power by 45 B. C., when he came to Rome to attempt to buy a kingdom of Caesar.[82] In the time of Cicero's proconsulship he had been party to a conspiracy to win the power from his brother Ariobarzanes, who was under the special protection of Rome.[83] On the other hand Archelaus had proved himself a most efficient ruler. Later Octavian also, recognizing his ability, not only confirmed him in his power but also gave him Cilicia with the difficult task of overcoming piracy. He ruled from 36 B. C. to 17 A. D.[84] Since Cappadocia was a region that it was essential for the Romans to hold in case of a Parthian invasion,[85] in the choice between these men Antony seems to have been influenced by the ability of the man to render him effective assistance rather than by the wiles of the charming Glaphyra. This is the first instance of Antony's use of a policy that he maintained throughout his entire administration of the Orient, the appointment of pro-Roman native princes to the thrones of border kingdoms to protect the Roman interests. Their territory became buffer-states against the power of Parthia. Caesar had adopted the same policy after the battle of Zela.[86] Octavian continued the policy. He surrounded the Euphrates frontier with a series of states which acknowledged Roman influence as supreme by accepting princes of his appointment.[87]

Antony also showed excellent judgment in his dealings with the Jews. It has already been suggested that while he was in Ephesus ambassadors had come to him from Hyrcanus bringing a golden crown and requesting that he command that those Jews be set free who had been carried away into captivity by Cassius, and that the country that Cassius had taken away from the Jews

[81] *Bell. Alex.* XVI, 6.
[82] Cic. *ad Att.* XIII, 2.
[83] Cic. *ad Fam.* XV, 2.
[84] Head, *Hist. Num.*, p. 633.
[85] Cic. *ad Fam.* XV, 2.
[86] *Bell. Alex.* 78; Judeich, *Caesar im Orient*, pp. 149-159.
[87] Arnold, *Rom. Imp.*, p. 213.

be restored. The request was granted, and decrees were sent to Tyrians, Sidonians, Antiochians, and Aradians, commanding any property taken from the Jews in the time of Cassius to be restored and all Jews sold by him as slaves to be freed.[88]

A second deputation came to Antony in Bithynia. This delegation represented the Nationalist party, who again had hopes of the downfall of the Idumeans, since they had but lately given their full support to the Liberators. They had complained to Antony that although Hyrcanus had the nominal authority, in reality Herod and Phaselus held the power. Herod, who appeared in his own defense, had not been trained in the Roman methods in vain. Josephus[89] states that because of bribes[90] Antony paid great respect to Herod and that his adversaries obtained no hearing. It is probable that Antony well remembered the pro-Parthian proclivities of Herod's opponents of the Hasmonean house and the loyal support which the Idumeans had always given Roman interests whether of one political faction or of another; consequently he felt fully justified in refusing to hear the Nationalists. This was not an unusual procedure on the part of the governor. Cicero[91] takes great credit to himself because he had not been so difficult of access to ambassadors as former governors, but he says that even he sometimes refused to grant a hearing.[92]

When Antony came to Antioch,[93] a delegation of one hundred prominent Jews met him to accuse Herod and the Idumeans of misgovernment. A certain Messala[94] spoke in refutation of

[88]Joseph. *Antiq. Jud.* XIV, 12, 8-6, where the decrees and the letter to Hyrcanus are given in full.

[89]*Ibid.* XIV, 12, 2.

[90]Bribery was very prevalent. Cicero, *ad Att.* V, 20, states with great pride that he did not accept the bribes of those coming for judgments.

[91]*ad Att.* VI, 2.

[92]*ad Att.* V, 20.

[93]It is interesting to note that neither Caesar nor Antony carried on negotiations with the Jews in Judaea.

[94]Probably Marcus Valerius Messala, distinguished in both politics and letters. At this time he was a partisan of Antony. Vid. Smith, *Dict. of Gk. and Rom. Biog.*, p. 1051.

the charges. The hearing was held at Daphne[95] in the presence of Hyrcanus. By an appeal to Hyrcanus to state which party ruled most beneficially for the people, Antony compelled him to ally himself openly with one party or the other. He took his stand with pro-Romans. As a result Antony appointed Herod and Phaselus tetrarchs.[96] By this appointment they became independent allied princes with full political powers, but in rank inferior to a king. Hyrcanus retained, as under Pompey, the power of high priest alone. A subsequent embassy of a thousand Jews came to Antony at Tyre to try to persuade him to change his decision. Admittance to Antony was refused, and a riot ensued in which several Jews were killed and others arrested. The outraged people arose against Herod, and in retaliation Antony put the prisoners to death. For the time being the Nationalist party was forced to submit to the rule of the Idumeans.

This course seems rather arbitrary on Antony's part, but in passing judgment it is necessary to keep in mind the importance of the loyalty of Judaea to Roman interests. At the beginning of the present war Lord Cromer, late viceroy of Egypt, hastened to point out the fact that Palestine is likely to prove one of the most important buffer-states after the war, both because it borders on the Suez canal, the present great trade route from the East, and because it also borders on Egypt, the great source of the grain supply. Practically the same conditions, with the order of importance reversed, were true in the time of Herod. Furthermore, defection in Judaea threatened the very existence of the Eastern Empire by opening the frontier to the Parthians.[97]

Antony has also been criticized for his treatment of the Syrian princes. It has been shown that the reorganization of

[95]A pleasure ground about five miles from Antioch. Vid. Mommsen, *Rom. Prov.* II, pp. 140-141.

[96]This title, which primarily denotes the collegiate tetrarchate such as was usual among the Galatians, was later more generally used for their rule, as a whole, and then for the rule of one man, but always of a ruler in rank inferior to a king. Cf. Mommsen, *Rom. Prov.* II, p. 192, n. 1; Joseph. *Antiq. Jud.* XIV, 13, 1.

[97]Radin, *Jews among Gks. and Roms.*, p. 187.

Syria under Pompey had been more nominal than real and that during the civil wars the deposed princes had profited by the general disorganization. The Parthians, as usual, had been of great assistance to them.[98] On Antony's advance into Syria he overthrew the rule of these princes and attempted to re-establish the power of Rome, as Pompey had done. By this step he hastened the inevitable conflict with Parthia, as these client princes of Parthia, for such they really were, fled thither for protection.[99]

It seems that, in Antony's dealings with the political questions arising in the Orient, he followed the precedent set by Pompey, Cicero, and Caesar in placing in power those claimants to the throne who could most ably maintain and protect the interests of Rome. In his course of action he followed the regular proceedings of a Roman proconsul. He landed at Ephesus; he received the usual flattering demonstration of the people on his arrival; he issued a form of edict; he made a tour of the provinces, stopping at the most important cities to hold court; he repaired and constructed public buildings; he provided for naval and land forces; and he decided dynastic disputes.

Regarding those matters which were outside the province of a Roman proconsul, such as the granting of freedom to cities, it will be necessary to compare his course of action with that of Caesar and Octavian. After the Mithridatic war Sulla inaugurated a system of rewarding cities which had shown their loyalty to the Roman government by granting them *libertas*.[100] Although the practice was gradually discontinued until it was practically abolished under the early emperors,[101] freedom was granted to certain cities by Caesar and Octavian as well as by Antony. Caesar gave freedom to Amisus,[102] Apamea,[103] Cni-

[98]Appian, *B. C.* V, 10, 17.

[99]*Ibid.* V, 10.

[100]Chapot, *Prov. Rom.*, p. 112.

[101]*Ibid.* 103; Pauly-Wissowa (*S. V.* Asia), p. 1542; Henze, *De Civ. Lib.*, p. 4.

[102]Strabo, XII, 3, 14; Dio, XLII, 48; Henze, *De Civ. Lib.*, p. 65; Judeich, *Caesar im Orient*, p. 117.

[103]Judeich, *Caesar im Orient*, p. 111.

dus,[104] Aphrodisias,[105] Ilium,[106] Antiochus Epidaphnis,[107] and confirmed the freedom of Rhodes.[108]

Antony freed Laodicea,[109] Tarsus,[110] and Heraclea,[111] and confirmed the freedom of Seleucia in Cilicia,[112] and of Tyre,[113] Sidon,[114] and Aphrodisias,[115] while he deprived of freedom Amisus[116] and Antioch of Pisidia.[117]

Octavian, following the same policy, granted freedom to Samos,[118] Mytilene,[119] and Ilium. He confirmed the freedom of Stratonicea.[120] He deprived of freedom, usually because of lack of loyalty to Roman interests, Chersonesus Heraclea,[121] Cyzicus[122] for a period of five years, Tyre,[123] and Sidon.[124] The freedom of Astypale was discontinued for a period.[125]

Antony, then, in granting freedom to some cities as a re-

[104]Plut. *Caes.* 48; Chapot, *Rom. Prov.*, p. 115; Henze, *De Civ. Lib.*, p. 55.

[105]Pauly-Wissowa, *S. V.* Asia, p. 1542; Henze, *De Civ. Lib.*, pp. 52-54; Chapot, *Prov. Rom.*, p. 114.

[106]Pauly-Wissowa, *S. V. Asia*, p. 1542; Strabo, XIII, 1, 27.

[107]Henze, *De Civ. Lib.*, p. 75; Chapot, *Prov. Rom.*, p. 117.

[108]Appian, *B. C.* IV, 70; Chapot, *Prov. Rom.*, p. 119.

[109]Appian, *B. C.* V, 7.

[110]*Ibid.*

[111]Henze, *De Civ. Lib.*, pp. 68-69.

[112]Strabo, XIV, 5, 6; Henze, *De Civ. Lib.*, p. 72.

[113]Joseph. *Antiq. Jud.* XV, 4, 1; Henze *De Civ. Lib.*, p. 76.

[114]*Ibid.*

[115]Chapot, *Prov. Rom.*, p. 114.

[116]Strabo, XII, 3, 14; Henze, *De Civ. Lib.*, p. 65.

[117]Dio, XLIV, 32; LXIII, 26; Henze, *De Civ. Lib.*, p. 48, p. 78.

[118]Plin. *N. H.* V, 135; Dio, LXIV, 9; Henze, *De Civ. Lib.*, p. 46; Arnold, *Rom. Imp.*, p. 212; Firth, *Augustus*, p. 229; Chapot, *Prov. Rom.*, p. 120.

[119]Chapot, *Prov. Rom.*, p. 118.

[120]Plin. *N. H.* V, 109; Chapot, *Prov. Rom.*, p. 120.

[121]Henze, *De Civ. Lib.*, p. 69.

[122]Dio, LXIV, 7; Arnold, *Rom. Imp.*, p. 212; Chapot, *Prov. Rom.*, p. 115.

[123]Dio, LXIV, 7; Henze, *De Civ. Lib.*, p. 76.

[124]*Ibid.*

[125]Chapot, *Prov. Rom.*, p. 114.

ward for loyalty to his cause was but pursuing a policy already established. Likewise he was in full accord with a tendency followed by his successors when for various political reasons he deprived other cities of their freedom.

He has been severely censured by both ancient and modern historians for the important part which the influence of his friends played in his administration.[126] Yet even a cursory reading of Cicero's letters shows the insurmountable difficulty which that conscientious statesman met with in attempting to maintain an impartial government. When a man became a provincial governor he paid off all his obligations to his friends.[127] He received requests of all kinds varying from obtaining panthers for the shows[128] to preventing the trial of a friend's friend's mother-in-law.[129] Even the "noble Brutus" felt that a friend's interests were of more importance than the rights of the provincials.[130] Therefore Antony was only following a precedent already set, when he appointed his favorites to office.[131] To the great expense caused by the extravagance of Antony's staff[132] a parallel can be found in that of the average Roman governor's attendants. Cicero[133] tells of the amazement of the people at the admirable character of his staff, but even Cicero was forced to admit that not all of the members conformed to his request that they be of no expense to the provincials.[134]

In thus outlining Antony's work in the Orient, the purpose has not been to defend his personal life but to point out that his general policy in the Orient corresponded in a large measure to that of the average Roman governor. His whole course of ac-

[126]Plut. *Ant.* 24.

[127]For examples of the letters of recommendation received and written by Cicero vid. *ad Fam.* XIII, 53, 55; 56; 61; 62; 63; 64; 65; 57-12; 13.

[128]*ad Fam.* II, 11; *ad Att.* V, 21.

[129]*ad Fam.* XIII, 54.

[130]Cic. *ad Att.* V, 21, VI, 1; 2; 3.

[131]Strabo, XIV, 1, 41; 5, 14; Plut. *Ant.* 24.

[132]Plut. *Ant.* 24.

[133]*ad Att.*, V, 16; 17; 18; 20; 21; VI, 1.

[134]*ad Att.*, V, 21.

tion points toward the foundation of a strong provincial government patterned upon the precedent of those who had preceded him and continued by his astute successor, not to the establishment of a great empire for himself, for Antony after all was but a "first-rate second-rate" man.

CHAPTER IV

ANTONY IN EGYPT

There now arises the question as to Antony's purpose in spending the winter in Alexandria rather than in the further administration of provincial affairs in Asia Minor and Syria. With his work there well under way, but by no means completed, he hastened to Egypt, leaving Syria especially in a state of unrest. The people were ready to respond to the first incentives to revolt found in the Parthian incursions of the following spring.

Antony lacked patience and the ability for careful and painstaking work. Big enterprises appealed to him, but the tedious labor involved in the actual accomplishment of these undertakings was irksome. The first step in Caesar's plans, whether of Oriental conquest or for the security of the provinces, was, in all probability, the reorganization of Asia Minor and Syria so that he could rely upon that region as a secure base of supplies in his rear. Antony had set to work to carry out this reorganization with his usual energy and despatch, but when his first enthusiasm began to wane, when the assigning of kingdoms, the hearing of embassies, the levying of tribute, and the settling of disputes between the petty princes was over, he was ready to begin the second step rather than to complete what promised to be a tedious task, the establishment of these first larger and more interesting measures on a firm foundation.

If Antony was to establish the supremacy of Rome in the Orient, a successful raid into Parthian territory was essential to offset the prestige gained by the Parthians from the defeat of Crassus; but, as Caesar, his own general had said, "There can be no army without money." [1]

Therefore, the second step in Antony's establishment of the power of Rome was the financing of the expedition against Parthia. Antony had not found Asia the lucrative source of

[1]Dio, XLII, 49; Plut. *Caes.* 17.

revenue that he had hoped. From the time of Pompey Asia had been drained of money by constant and exorbitant levies and exactions until the country had come to a state of financial exhaustion not at first appreciated by the triumvirs.

Egypt, on the contrary, was still abounding in riches. It was the only important state of the Eastern Mediterranean which was even nominally independent. The Ptolemies possessed great and unexhausted treasure. Antony must have had all this in mind when he sent for Cleopatra to meet him at Tarsus. In the light of these conditions the meeting at Tarsus is shorn of all the romantic glamor that has been so emphasized through the ages and becomes a political move on the part of both Antony and Cleopatra. The woman at the head of Egypt was the cleverest of a line of clever women. The Macedonian Cleopatra, as the Cleopatras and Arsinoes before her, had aims and ambitions of her own in the accomplishment of which she was ready to use the same unscrupulous means. The Macedonian blood and tradition showed clearly in the character of the Ptolemaic queens. These women plotted and intrigued for power as did the queens of the old Macedonian line. Arsinoe II married first the king of Thrace. On his murder by her half-brother Ceraunos, she married Ceraunos, while for a third husband she won her own brother after disposing of her step-daughter (perhaps her own daughter) to whom he was already married.[2] The stories of the marriages of Cleopatra II and III are even more

[2]Mahaffy, *Hist. Egypt*, p. 77, states that in the royal family of Egypt the marriage of full brother and sister was considered highly desirable and quotes Maspero, *Annuaire de l'école des hautes êtudes*, for 1916, p. 19: "The nobility of each member of a Pharaonic house and his claims upon the crown corresponded to the amount of divine blood which he could show; he that derived it from both father and mother had a higher claim than he who had it from one parent only. Here the Egyptian social laws permitted what would be impossible in any modern civilization. The marriage of a brother and a sister was *the* marriage *par excellence*, and it contracted an unspeakable sanctity when this brother and sister were born of parents who stood in the same relation." Ptolemy II was the first Macedonian to make this concession to the Egyptian tradition, a concession which was adopted by his successors.

harrowing, if we can accept the testimony of Justin.[3] Can it be wondered that Cleopatra adopted as a means to establish her power first an intrigue with Caesar and then a marriage with Antony?[4] "The last Cleopatra is the best known of her line, but she is only a type of her class. There was no relegation of queens to the obscurity of the harem. They mingled in the political game as freely as men. It was indeed in the political sphere rather than in that of sensual indulgence that their passion lay and their crimes found a motive."[5] Cleopatra was determined that Egypt should not meet the fate which had overtaken the other kingdoms of the East, incorporation in the Roman Empire. The splendor and magnificence displayed on her journey to Cilicia were not the mere gratification of vanity, a woman's foolish whim. Every detail was planned to impress the observer with the evidence of unlimited wealth. Antony needed money. Cleopatra needed Antony.

Cleopatra was too perfect a mistress of the art of intrigue not to know that undue haste in unfolding her design of a great empire in Egypt would be fatal to her success. She had many enemies among the upper class who were bitterly opposed to her rule.[6] It must be remembered that the Ptolemies were not native Egyptians but Macedonians, who, like the other kings of the Hellenic East, were bidding for Roman favor and dreading Roman wrath. There were never any national uprisings in favor of these sovereigns, for they made but little effort to inspire loyalty in their native subjects.[7] It may have been with a pretext of establishing her power against them that she asked Antony to come to Egypt, where, on his part, he hoped to obtain the funds necessary for his further work. Consequently, in the autumn

[3]Vid. Mahaffy, *Hist. Egypt,* for a discussion of this point.

[4]Polygamy was common among all the successors of Alexander as well as in the earlier Macedonian court. Cf. Mahaffy, *Gk. Life and Thought,* p. 23; *Hist. Egypt,* p. 76.

[5]Bevan, *House of Seleucus,* II, p. 280.

[6]Dio, LI, 5; Bouché-Leclerq, *Hist. Lag.* II, p. 181. Here, as elsewhere, Ferrero follows Bouché-Leclerq.

[7]Cf. Mahaffy, *Emp. Ptol.,* p. 241.

of 41 B. C. Antony left Syria to spend the winter months in Alexandria.

Much emphasis has been laid by the ancient historians on the fact that, on Antony's entrance into Alexandria, he laid aside the insignia of his office. They assume that he intended this act to be emblematic of his putting aside the cares and duties of a general and that he regarded his wintering in Egypt as a festal occasion.[8] One needs only to look back at the entrance of Caesar into Alexandria[9] to realize the wisdom of Antony's step. Caesar entered Egypt in full regalia of office. It seems strange, perhaps, that the populace of Alexandria, so accustomed to the pomp and ceremony of the royal court, should take offence at this. The large Roman element in the mob at Alexandria and the effect of such a procedure on them must be taken into account.

Caesar himself describes the composition of the forces which so nearly defeated him at Alexandria. "There were soldiers of Gabinius who had accustomed themselves to Alexandrian life and license, had forgotten the name and discipline of the Roman people, and had married Egyptian wives by whom very many of them had had children. To these were added men collected from the freebooters and brigands of Syria, of Cilicia, and of the neighboring regions. Many condemned criminals and exiles had joined them. All our own fugitive slaves had a sure place of refuge at Alexandria. Assurance of their lives was given them on their being enrolled in the army. If any one of them was arrested by his owner he would be rescued by the common consent of the soldiery, who repelled violence done to their comrades as a peril to themselves, since they were all alike involved in similar guilt."[10] ("Haec constabant ex Gabinianis militibus, qui iam in consuetudinem Alexandrinae vitae ac licentiae venerant

[8]Appian, *B. C.* V, 11. Appian says it might also have been because he was in foreign jurisdiction. This is a more probable reason.

[9]Dio, XLII, 7; Lucan, *Phar.* IX, 1007; Liv. *Epit.*, CXLI; Frontin, *Strateg.* I, 1, 5; Caes. *B. C.* III, 106; Appian, *B. C.* II, 89; for a discussion of Caesar's landing Vid. Judeich, *Caesar im Orient*, pp. 78sq.

[10]Caes. *B. C.* III, 110.

et nomen disciplinamque populi Romani dedidicerant uxoresque duxerant ex quibus plerique liberos habebant. Huc accedebant collecti ex praedonibus latronibusque Sryiae Ciliciaeque provinciae finitimarumque regionum; multi praeterea capitis damnati exulesque convenerant. Fugitivis omnibus nostris certus erant Alexandriae receptus certaque vitae condicio, ut dato nomine militum essent numero; quorum si quis a domino prehenderetur, consensu militum eripiebatur qui vim suorum, quod in simili culpa versabantur, ipsi pro suo periculo defendebant.") These Romans fully understood the significance of the fasces. The appearance of a Roman general in full insignia of office meant the probable loss of their much cherished freedom.[11] The Alexandrian mob was a power that had to be reckoned with. "The people of Alexandria spoke the voice of Egypt more completely than Paris does of France."[12] These mercenary troops had lived in close relation to the court and had assumed or drifted into the prerogatives and dignities of the old Macedonian household troops.[13] According to Caesar[14] they had been in the habit of demanding the execution of friends of the royal family, of plundering the property of the wealthy, of besieging the kings' palaces to secure more pay, of driving one man from the throne and summoning another to fill it, after the ancient custom of the Alexandrian army.

It must be remembered, too, that Alexandria was no more a typical Greek city than an Oriental one. It lacked those all essential parts of a *polis,* the *boule* and the *demos.* In the great mass of papyri that have come down from Egypt there is nowhere any indication that a senate met or that the people assembled.[15] In place of an assembly in Alexandria was the sol-

[11]Cf. Mommsen, *Rom. Hist.* Vol. IV, p. 511; Mahaffy, *Hist. Egypt,* p. 239 sq.

[12]Mahaffy, *Emp. Ptol.,* p. 333.

[13]Mahaffy, *Hist. Egypt,* p. 241.

[14]Caes. *B. C.* III, 110.

[15]Radin, *Jews among Gks. and Roms.,* p. 107.

diery backed by the great mob whose influence in disturbed times increased to despotism.[16]

Antony profited by the knowledge gained both from his stay in Egypt with Gabinius and from the experience of Caesar. During his entire stay in Alexandria, he made every effort to gain the favor of the populace. Often at night both he and Cleopatra would sally forth in servant's disguise and mingle among the crowd, where they were often recognized. The Alexandrians took delight in his extravagances and joined in his frolics, saying that they were thankful to Antony for playing his tragic roles for the Romans and keeping his comedy for them.[17]

While the lower stratum of the Alexandrian population consisted in a large part of natives,[18] Alexandria was primarily a Greek city, founded by Alexander for the Greeks.[19] The selection of a site in a remote corner of the delta indicated clearly his intention of making this Hellenic city which was to dominate Egypt as free as possible from Egyptian influence.[20] The Macedonians formed an especially privileged group. Just what these privileges were is uncertain, but they probably lay chiefly in fiscal exemptions.[21] The Ptolemies had fully carried out Aristotle's words to Alexander,[22] when he advised him to be a leader of the Hellenes and a master of the barbarians, to provide for the former as friends and to use the latter as plants and animals.[23]

Antony did not fail to recognize the importance of the Greeks. Again he appears as Philhellene. He spent much time

[16]Cf. Mommsen, *Rom. Hist.* IV, p. 188; Mahaffy, *Emp. Ptol.* 78; Merivale, *Rom. Hist.* Vol. I, p. 350.

[17]Plut. *Ant.* 29.

[18]Mommsen, *Rom. Prov.* II, p. 287; Mahaffy, *Hist. Egypt*, p. 10.

[19]Just. 11, 2.

[20]Wiegall, *Life and Times of Cleopatra*, p. 19.

[21]Radin, *Jews among Gks. and Roms.*, p. 108 for a further discussion.

[22]Murray, *Ancient Gk. Lit.*, p. 374.

[23]Mommsen, *Rom. Prov.* II, p. 262.

with the Greeks. He wore their square-cut garment and the white Attic shoe of the Athenian and Alexandrian priests.[24]

Mahaffy has shown from a study of the papyri of the middle of the third century B. C. that Jewish settlements had existed for many years in Egypt.[25] There can be little doubt that Jews were found in all classes from the highly privileged Macedonians to the lowest slaves.[26] Here as in Judaea it was the tendency of the wealthy class to become completely Hellenized.[27] Antony's friendship with this element in Judaea must have been recognized by the Egyptian Jews. In the popularity won by Antony during his stay in Alexandria under Gabinius, coupled with his renewal of friendly relations with as many classes of the population as was possible, can probably be found the reason why he found less opposition among the Alexandrians than did other Roman leaders.

The ancient historians lay great emphasis on the revelries which took place in Alexandria during the winter of 41-40 B. C.[28] Plutarch[29] describes a band which they called the "Inimitable Livers," the members of which vied with one another in daily entertainments of an extravagance beyond belief. Most modern historians take the same view.[30]

The prejudice of the sources must be taken into consideration.[31] It must be remembered that the original sources were written by men who were the supporters of Octavian. Every

[24]Appian, *B. C.* V, 11.

[25]*Hist. Egypt*, p. 193. Strabo XVII, 1, 12, when naming the citizens at Alexandria does not mention Jews.

[26]In discussing the condition of the Jews in Alexandria Radin, *Jews among the Gks. and Roms.*, p. 112, refers to *Berliner Griechische Urkunden*, IV, 1068, 1140, 1151.

[27]Radin, *Jews among Gks. and Roms.*, p. 116.

[28]Dio, XLVIII, 27; Appian, *B. C.* V, 11.

[29]Plut. *Ant.* 28.

[30]Gardthausen, *Augustus*, II, p. 186; Bouché-Leclerq, *Hist. Lag.* II, 239; Merivale, *Hist. Rome*, III, p. 176; Chapot, *Prov. Rom.*, p. 56.

[31]For a discussion of the sources vid. Bürcklein, *Quellen und Chronologie der römisch-parthische Feldzüge;* Pauly-Wissowa, *S. V.* Appian, and *S. V.* Dio Cassius.

calumny against Antony made any odium which might attach itself to Octavian through Antony's downfall less effective.

Cleopatra would not have permitted Antony to be altogether forgetful of the business at hand. Plutarch tells an anecdote of a little fishing expedition to illustrate Antony's love of pleasure and thereby misses the point of the story, Cleopatra's words to Antony: "Leave the fishing rod to us poor sovereigns of Pharos and Canopus. Your game is cities, provinces, and continents."[32] Cleopatra had induced Antony to come to Alexandria for a purpose. She hoped to maintain the power of Egypt by the means so often employed by the women of the Macedonian line, an alliance by marriage. With the Roman legions at her command she hoped to extend Egypt to its old limits.

The power of the women of the Ptolemies must not be underestimated. The men of the later Ptolemies, it is true, were largely degenerate, but one needs only to review the history of the Macedonian queens from Olympias to Cleopatra VIII to realize why the people of Alexandria so frequently permitted a queen to reign in the presence of legitimate male heirs.[33] They were women who knew how to use their great power and wealth.[34] This made an alliance with them imply the command of large resources in men and money.[35] The Ptolemies, as the Pharaohs before them and the Roman emperors after them, regarded Egypt as little more than a crown estate to be managed with a view to the interests of the sovereign alone.[36] The revenue of the court at Alexandria was nearly equal to the public income of Rome even after its augmentation by Pompey.[37]

[32]*Ant.* 29: πάραδος ἡμῖν, ἔφη, τὸν κάλαμον, αὐτόκρατορ, τοῖς Φαρίταις καὶ Κανωβίταις βασιλεῦ ν· ἡ δὲ σὴ θήρα πόλεις εἰσι καὶ βασιλεῖαι καὶ ἤπειροι

[33]Mahaffy, *Emp. Ptol.*, p. 405, says that authorities do not explain this fact. For degeneracy of men vid. Strabo XVII, I, 11.

[34]Mahaffy, *Hist. Egypt*, p. 212.

[35]One of the last kings of Egypt had an income of 12,500 talents. Strabo, XVII, 1, 12, who quotes some speech of Cicero probably not now extant.

[36]Mahaffy, *Hist. Ptol.*, p. 147.

[37]Mommsen, *Rom. Prov.*, II, p. 188.

Thus an alliance with Cleopatra would provide Antony with abundant funds for a victorious Parthian campaign, by which he hoped to win the prestige in Italy upon which his hopes for power there depended. The weak point in Cleopatra's plan lay in the fact that the triumvir[38] did not personify the state, as did a king who reigned by dynastic right. His power was temporary, and therefore an alliance by marriage was not an expedient which a representative of Roman authority might use.[39] Antony fully realized from Caesar's experience the impossibility of forming an actual marriage alliance with Cleopatra, if he wished to establish his power in Rome. Of what value would funds for his Parthian campaign be, if in gaining these funds he lost the end for which the Parthian campaign was but a means, namely final supremacy in Italy? Cleopatra likewise from her experience realized the futility of anything but a legal marriage as a means of establishing her power. Hence the winter came to an end without an understanding having been reached, and Antony left Egypt without funds.[40]

Meanwhile grave disturbances had arisen in Italy where Fulvia, Antony's wife, and Lucius, his brother, with the alleged purpose of supporting Antony's interests, had provoked a would-be civil war ending with their defeat at the fall of Perugia.[41] During these disturbances no word had come from Antony except a letter, probably fictitious, which had been shown in the senate stating that "They [Fulvia and Lucius] should fight, if any one assailed his [Antony's] dignity."[42] Ancient as well as modern historians have been too ready to attribute this delay of Antony's at such a crisis, just as they do Caesar's stay when his

[38]Technically the triumvirate was merely a board *rei publicae constituendae*. It had taken the place of a temporary dictatorship, for a board was always more according to Roman ideas than a dictatorship.

[39]Ferrero, *Greatness and Decline of Rome*, III, p. 243.

[40]After the treaty with Octavian at Brundusium Antony was roughly handled by the troops because he lacked the funds with which to pay them.

[41]Appian, *B. C.* V, 12 sq; Dio, XLVIII, 5, sq.

[42]Appian, *B. C.* V, 29.

interests at Rome were in a perilous condition, to the charms of Cleopatra.[43] Although it must be admitted that Antony gave much of his time to gratifying his own pleasures, this cannot be given as the sole reason for his lack of communication with Italy.[44] The siege of Perugia took place in mid-winter, when all navigation in the Mediterranean had ceased.[45] He could not have received this news until the spring of 40 B. C., after the fall of the fortress, too late to send aid. Deputies from the colonized veterans had come to him on the last transports to sail from Italy, it is true, but they would have arrived too late in the season for aid to have been sent to Lucius. Appian says that Antony retained the veterans and concealed his intentions.[46]

Trouble threatened Antony from the East as well as from the West. The time seemed ripe for Parthia to extend her power westward. The enormous tribute levied by Antony had caused unrest and dissatisfaction.[47] The tyrants who had been driven out of the cities in Syria had fled to the Parthians for support.[48] In addition to this the Parthians had the exceptional good fortune to have at their service a Roman versed in military affairs, Quintus Labienus. He had been sent to Orodes before the battle of Philippi to ask for help for the "Liberators."[49] The king had detained him for some time in Parthia, for he hesitated to conclude an alliance and feared to refuse. With the news of the defeat of his party and of the renewed proscriptions, Labienus decided to remain among the Parthians.[50]

An incitement to war was found in the attitude of the Aradii toward the messengers sent by Antony for tribute. One

[43]Gardthausen, *Augustus,* II, p. 213; Merivale, *Hist. Rome,* III, pp. 181-2; Duruy, *Hist. Rome,* III, p. 623.

[44]Plut. *Ant.* 28; Dio, XLVIII, 24; Appian, *B. C.* V, 11.

[45]For a discussion of the difficulty of travel during the winter vid. Duruy, *Hist. Rome,* IV, p. 228. The difficulties that St. Paul met with are well known.

[46]Appian, *B. C.* V, 52.

[47]Dio, XLVIII, 24.

[48]Appian, *B. C.* V, 11.

[49]Flor. IV, 9; Vell. Pat. II, 78.

[50]Dio, XLVIII, 24.

leader of this embassy, Curtius Salessas, was burned alive.[51] The Parthians thus finding the Syrians already inclined toward aggression were the more readily persuaded by the arguments which Labienus set forth to the King Orodes. He stated that the legions were at the point of revolt and advised an immediate expedition into Syria while Octavian was detained in Italy by Sextus Pompey and Antony given over to enjoyment in Egypt. He offered himself as leader and promised to detach the provinces from the Romans easily because of the hostility which their treatment had aroused.[52] In the early spring Orodes sent his forces across the Euphrates under the joint leadership of his son Pacorus and Labienus.[53] They rapidly overran the open country between the Euphrates and Antioch.

News of the invasion of the Parthians came to Antony while he was in Alexandria.[54] He wasted no time in delay but set sail for Tyre immediately.[55] The question now arises as to why Antony did not proceed to a vigorous campaign against the Parthians. From statements of Dio Cassius[56] concerning Antony's troops one reason can be inferred. The larger part of Antony's legions were in Italy, Gaul, and Macedonia.[57] On the other hand the garrisons stationed in Asia by Antony were mainly troops of Cassius and Brutus which he had incorporated into his own

[51]Dio, XLVIII, 24; CIL, III, 546; vid. Gardthausen, *Augustus*, II, p. 84, n. 10.

[52]Dio, XLVIII, 24.

[53]Plut. *Ant.* 28; Appian, *Syr.* 51.

[54]Plut. *Ant.* 30, and Dio, XLVIII, 27, state that the news came simultaneously with that of the fall of Perugia. Before accepting such a statement, Plutarch's love of dramatic effect must be taken into account. Appian, *B. C.* V, 52, says that only the Parthian news reached him in Alexandria, while the news from Italy came later, probably in a seaport of the province of Asia. Appian's account seems more probable. The fall of Perugia and the outbreak of the Parthians took place about the same time, but the inclement condition of the Mediterranean did not hold back news from Asia. Cf. Kromayer, *Hermes*, XXIX, p. 562; Ferrero, *Greatness and Decline of Rome*, Vol. III, p. 245, n.

[55]Plut. *Ant.* 30; Dio, XLVIII, 27; Appian, *B. C.* V, 52.

[56]XLVIII, 24-26.

[57]Ferrero, *Greatness and Decline of Rome*, p. 245, n. 2.

forces and assigned to garrison duty because they were familiar with the country. These men were easily won over to the cause of Labienus, since they knew him of old.[58] This left Antony without the troops necessary for a military expedition such as the campaign into Parthia now promised to be. Hence it can be assumed that he abandoned Syria for the time being, to return to Italy for his legions.[59] Plutarch, however, states that he departed from Phoenicia because of letters received from Fulvia lamenting the condition of affairs in Italy.[60] The latter reason seems the more probable, for, with such pressing need of action against the Parthians, it seems that Antony would have sent for these legions while he himself rallied what forces he had in Syria, had he not seen a greater need for his presence elsewhere. This need was the maintenance of his power in Italy. If Antony's great aim was to establish an empire for himself in the Orient, would he not have felt that the need of successful action against Labienus and Pacorus was too urgent for him to have gone in person for additional troops and to have stayed over two years before returning? It seems that his position in Italy was of paramount importance in his eyes and the campaign against the Parthians but a means to this end. This means, as was shown in his decision against a marriage with Cleopatra, was not to be adopted if the accomplishment of his great ambition, supremacy at Rome, would thereby be imperiled.

Antony left Decidius Saxa in charge of Syria with orders to defend himself as best he could, while he himself sailed for Asia by way of Cyprus and Rhodes and then to Greece.[61] Deserted by large numbers of his troops, Saxa was defeated in open battle. The casualty list was large. As a result Saxa fled to Antioch, and Apamea, which had been holding out against the Parthians, yielded on the report that Saxa had been killed.

[58]Strabo, XIV, 2, 24, states that Labienus used cohorts of the Roman soldiery which had been stationed in Asia.

[59]Ferrero, *Greatness and Decline of Rome,* Vol. III, p. 245, holds this view, although he maintains that Antony's Parthian campaign was the great aim toward which all his other actions tend.

[60]*Ant.* 30.

[61]Appian, *B. C.* V, 52; Plut. *Ant.* 30; Dio, XLVIII, 27.

Saxa then abandoned Antioch and fled to Cilicia,[62] while Labienus and Pacorus, emboldened by their success, decided upon a division of their troops in order to engage simultaneously in two great campaigns Labienus in Asia Minor and Pacorus in Syria.[63]

Labienus met with unbounded success. Saxa was soon defeated and slain,[64] and Labienus seized Cilicia. Although most of the towns were easily taken, Stratonicea[65] and Mylasa stubbornly resisted. When Mylasa was finally taken and razed to the ground, Labienus levied tribute, robbed temples to gain funds, and, in honor of his victories, styled himself *Imperator Parthicus*.[66] Pacorus likewise met with success. He conquered all Syria and Phoenicia with the exception of Tyre, which he was unable to capture for want of naval forces.[67] Then he advanced into Palestine.[68]

Relations between Antony and Octavian were becoming more and more strained, and civil war seemed imminent.[69] In Antony's conduct in this crisis his decision to maintain his power in the West against any encroachment on the part of Octavian seems clear. His energy and dispatch are hard to explain if the influence of Cleopatra and of the East were already at work. The determination of the legions to bring about a reconciliation,[70] combined with the death of the turbulent Fulvia,[71] were the saving factors which averted civil war for the time being. In September, 40 B. C.,[72] an agreement was reached, and a new par-

[62]Dio, XLVIII, 24.

[63]*Ibid.*

[64]Flor. IV, 9, says that he committed suicide.

[65]Tac. *Ann.* III, 62.

[66]Not, as was the custom, the man who conquered the Parthians, but the man who, as a Parthian, conquered the Romans. Dio, XLVIII, 24; Appian, *B. C.* V, 65; Flor. IV, 9; Vell. Pat. II, 78; Just. XIII, 4; Liv. *Epit.* CXXVI-VII; Plut. *Ant.* 30.

[67]Strabo, XIV, 2, 24.

[68]Joseph. *Antiq. Jud.* XIV, 13, 3; Dio, XLVIII, 24.

[69]Dio, XLVIII, 28; Vell. Pat. II, 26; Appian, *B. C.* V, 57.

[70]Appian, *B. C.* V, 57.

[71]Dio, XLVIII, 28; Appian, *B. C.* V, 59; Plut. *Ant.* 30.

[72]Kromayer, *Hermes*, 29, p. 563.

tition of the empire was made. The boundary line was through Scodra,[73] a city of Illyrium supposedly midway up the Adriatic gulf. All provinces east of this place as far as the Euphrates were granted to Antony, all west of it to the Ocean to Octavian. Lepidus was to retain Africa.[74] There was no discussion of the accusations which had been made on both sides.[75] Even the soldiery seemed to feel that the reconciliation was not firmly established and consequently demanded the marriage of Antony to Octavia, Octavian's sister, as a pledge of peace.[76] Antony determined not to make the mistake of risking his power in the West a second time by returning too hastily to the East. He set out for Rome with Octavian, where in October[77] the marriage of Antony and Octavia was celebrated.[78]

[73]Plin. *N. H.* III, 26. A town with rights of Roman Citizens situated at a distance of eight miles from the sea.

[74]Appian, *B. C.* V, 65; Vell. Pat. II, 76; Ferrero, III, p. 225, sees in this arrangement the first consequence of Cleopatra's influence, since at the division after Philippi, Antony had claimed provinces in the West for himself. He probably realized now that he needed all his troops in the East and consequently left the task of the defence and administration of these provinces to Octavian.

[75]Appian, *B. C.* V, 64.

[76]Plut. *Ant.* 37; Appian, *B. C.* V, 64; Dio, XLVIII, 30.

[77]Kromayer, *Hermes*, 29, p. 562.

[78]Appian, *B. C.* V, 65; Vell. Pat. II, 78; Tac. *Ann.* I, 10; Plut. *Ant.* 31; Liv. *Epit.* CXXVII.

CHAPTER V

PREPARATION FOR THE PARTHIAN EXPEDITION

As soon as the treaty with Octavian was completed, Antony turned his attention to checking the further advance of the Parthians. He sent Ventidius into Asia to command the campaign against them.[1] Ahenobarbus had already been appointed governor of Bithynia.[2] He made Lucius Munatius Plancus governor of Asia and gave him all the legions then available at Brundusium and in Macedonia.[3] He ordered Asinius Pollio to mobilize the legions in Europe for immediate transportation to the East from Macedonia, of which Asinius was to be governor in 39 B. C.[4]

During the spring and summer of 39 B. C. Antony remained at Rome busy with Octavian in conciliating as best they could the hostility toward them. More and more Antony became convinced that to regain popularity and to put his power on a stable foundation some brilliant and lucrative enterprise was necessary. For this purpose a successful raid against the Parthians seemed best suited. To regain and to re-establish the prestige of Rome in the East would put provincial administration on a firm basis conducive to financial prosperity.

The need was urgent, for Pacorus had supplemented the successes of Labienus by gaining control of all Syria except Tyre and had advanced into Palestine, where he had made an alliance with the anti-Roman Jews, who had again revolted. Antigonus had offered Pacorus a thousand talents for assistance in establishing him on the throne as a client prince of Parthia. It must be remembered that not all Jews lived in the Roman empire. Jews high in rank and culture had dwelt in what was now the Parthian kingdom since the time of Nebuchadnezzar. These

[1]Appian, *B. C.* V, 65; Plut. *Ant.* 33; Dio, XLVIII, 39.
[2]Appian, *B. C.* V, 63.
[3]Cf. Ganter, *Prov. Verw.*, pp. 37-41.
[4]*Ibid.* 71.

Jews were not held as apostates, as were those of the West, but were a great source of orthodoxy upon which the Jews of other countries could draw. Furthermore they were in constant communication with Judaea. Radin[5] says that with Parthia the only power still existing that was formidable to Rome, the uninterrupted communication between the Jews of that section and the mother country must have created a political situation of no slight delicacy and may have played a much more important part in determining the relations of the governing Romans to the Jews than our sources show.

For many years there had been a pro-Parthian party in Judaea, but it must be remembered that this nationalist party fostered hatred against Rome not for political reasons alone. Arrayed with it were the Pharisees,[6] who seem to have hoped to find a greater sympathy and understanding for their religious philosophy from the Parthians than from the Romans. To the Roman the careful performance of the ancient rites of his own cults was largely an impersonal duty toward the well-being of the state, while the Pharisee made the Torah[7] a complete guide to his life not merely in theory but in actual practice. His aim was to learn from what God had revealed His will in regard to every slightest action that a man might do. He felt that he must give his whole concern to the religious life, to meditation, prayer, and the accomplishment of his duty toward God and man. The Roman could sympathize with the ceremonial display and parade of many Oriental cults, but he could not understand the cold reserve and aloofness of the Pharisee. Then too from an administrative viewpoint the Roman was opposed to the Pharisee. The Pharisee believed that it was necessary to separate himself as far as possible from the peoples of the land with the purpose

[5]Radin, *Jews among Gks. and Roms.*, p. 370.

[6]Vid. supra, p. 3.

[7]The Torah was not merely the written word of the Pentateuch; consequently the term "Law" is not a good translation. Torah includes all the divine thought back of the "Law" and might be defined as the written word and the unwritten tradition taken together. Cf. Travers Hereford, *Pharisaeism*, pp. 57-111.

of setting up a closed corporation distinct from the surrounding peoples and of providing for the maintenance of the Jewish *cultus*. Here he was to live his whole life with the Torah as a guide. The Halachah[8] naturally included a large part of the law usually covered by a nation's civil and criminal code. Here was another point of conflict between the Roman governor and the Pharisee.

Little is known definitely as to the Parthian religious philosophy; but, as has been said, the Pharisees seemed to feel that they received a greater measure of understanding from the Parthian than from the Roman, and consequently became loyal adherents of the pro-Parthian party.

Herod himself brought to Rome the news of the disasters ensuing from the rapprochement between Pacorus and Antigonus. Hyrcanus and Phaselus had been treacherously captured.[9] The Parthians had plundered Judaea and left Antigonus to rule as high-priest and king.[10] Herod asked that Aristobulus, grandson of Hyrcanus, be made king.[11] He accompanied his request with a large sum of money which he had sent to Idumea for safekeeping when the Parthians were threatening Jerusalem.[12] Antony, however, wished to see Herod himself king. Roman interests in the East were in a critical position. The Parthian invasion and the existence of so strong a pro-Parthian party in Judaea made the maintenance of Rome's power in Judaea a matter of the highest importance. Neither Antony nor Octavian could leave Rome with complications such as there were in the city. It seemed better, therefore, contrary to the usual Roman custom, to have a strong king rather than a figure-head,

[8]The Halachah was the detailed statement of rules of right conduct derived from the study of the Torah. Cf. Travers Hereford, *Pharisaeism*, pp. 95-96.

[9]Joseph. *Antiq. Jud.* XIV, 13, 8.

[10]Joseph. *Antiq. Jud.* XIV, 13, 9. While Josephus says "plundered" it was really a just levy on a subject province for aid given. Antigonus was but little more than a Parthian satrap.

[11]Joseph. *Antiq. Jud.* XIV, 14, 5.

[12]*Ibid.* XIV, 36, 4.

since he was to be relied upon to further Roman interests even at the expense of the enmity of his own people. The hatred of Herod was especially strong in those who hated Rome, either through Parthian proclivities or because Rome seemed a danger to the maintenance of their institutions.[13] Herod, in turn, was at enmity with the Parthians, whose power threatened his very existence. With this fact set forth as the chief consideration the senate constituted Judaea a kingdom and appointed Herod king.[14] Thus Herod became a client prince of the Romans as Antigonus was of the Parthians, each nation using Judaea as a buffer-state against the other. With affairs in this condition in the Orient and the Parthians, as Strabo[15] said, "Masters in the East," Antony set out in August or September, 39 B. C.,[16] for Athens, where he intended to make preparations for his raid into Parthian territory.[17] He planned to winter at Athens[18] while he arranged the affairs in the East.[19] His appointment of Amyntus was a case parallel to that of Herod. By making this able Galatian officer king of Pisidia he turned over to him the subjugation of that unruly people[20] probably because they had undertaken another inroad upon Roman territory. Strabo says[21] that it seemed best for the suppression of robbers and pirates that Pisidia be ruled by a king rather than by a Roman leader who would probably not be there at all times[22] nor always under arms.

[13]Radin, *Jews among Gks. and Roms.*, p. 271.

[14]Joseph. *Antiq. Jud.* XIV, 14, 4.

[15]XIV, 2, 24: ἤδη τῶν Παρθυαίων τὴν Ἀσίαν ἐχόντων.

[16]Kromayer, *Hermes*, XXIX, pp. 561-2.

[17]Plut. *Ant.* 33. Dio, XLVIII, 39.

[18]Plut. *Ant.* 33; Appian, *B. C.* V, 75.

[19]Appian *B. C.* V, 75.

[20]The tribes in Pisidia, Isauria, and western Cilicia practically maintained their independence until the time of the empire. After the overthrow of the Egyptian naval power western Cilicia especially became the refuge of pirates. From Amyntus' rule in this place is explained the fact that he built himself a residence in Isauria. Strabo, XII, 6, 3; Mommsen, *Rom. Prov.* I, p. 362, n. 1.

[21]Strabo, XIV, 5, 5.

[22]The proconsuls traveled on a circuit.

Amyntus seemed fitted for the task, for he had held a prominent position in the government of Galatia under Deiotarus as secretary and general.[23] As such, he had, before the battle of Philippi, effected a transition of his country from the side of the "Liberators" to that of the triumvirs.[24]

Antony appointed Polemon, son of a rhetorician of Laodicea, to the throne of Lycaonia because of his valiant and upright conduct.[25] Zeno, his father, and Hybrias of Mylasa had raised a force of soldiers and held their cities against the Parthians.[26] In Pontus he re-established the national dynasty by placing on the throne Darius, son of Pharnaces and grandson of Mithridates.[27] His reasons for the appointment of Herod as king of Judaea have already been stated. In these appointments it is hardly possible to agree with Appian in the statement that "He set up kings here and there as he pleased on condition of their paying a prescribed tribute." [28] Antony seems to have had a very sufficient reason in each case in addition to the tribute received.

Antony does not appear to have had in view, as Mommsen states, "the erection of an Asiatic great-kingdom after the model of that of Alexander," [29] and for this reason made all the regions of the East once occupied by Occidentals subject to himself in the form of satrapies. He was following a policy recognized by Caesar[30] and followed later by Octavian,[31] the use of the client prince. True to Roman policy, he used these princes in forming a chain of buffer-states against the power of Parthia, thus se-

[23]Dio, XLIX, 32, says only secretary, but Dio, XLVII, 48, says general also.

[24]Dio, XLVII, 48.

[25]Strabo, XII, 8, 16.

[26]Strabo, XIV, 2, 24; Appian, *B. C.* V, 75.

[27]Appian, *B. C.* V, 75.

[28]*Ibid.*: ἔστη δέ πη καὶ βασιλέας, οὓς δοκιμάσειεν, ἐπὶ φόροις ἅρα τεταγμένοις.

[29]Mommsen, *Rom. Prov.* II, p. 26.

[30]For a discussion of Caesar's division of the Asiatic principal cities after Zela vid. Judeich, *Caesar in Orient*, pp. 149 sq.

[31]Cf. *Mon. Ancyr.* 27.

curing for himself the security of the Eastern provinces demanded by the capitalists in Rome.[32]

The time seems long between the spring of the year 40, when Antony sailed from Tyre to make preparations for his expedition, and the summer of 38, when he returned to Asia, but this goes but to show that Antony was striving to maintain his position in Italy at all costs, while the expedition against the Parthians was of secondary importance.

While in Greece Antony followed the customary methods of a Roman general. To obtain funds as well as to keep the soldiers in training who were to go with him into winter quarters, he sent a part of them against the Partheni, an Illyrian tribe that had supported Brutus, and defeated them.[33] Another division of soldiers was sent against the Dardani, who were constantly making incursions into Macedonia. The remainder he kept within easy reach in Epirus. He sent Furnus to Africa for the purpose of bringing four additional legions.[34]

Meanwhile he collected as much as possible of the tribute due. The Peloponnesus had been ceded to Sextus Pompey on condition that the tribute then due from it should either be given over at once or should be guaranteed by Sextus to Antony.[35] In his zeal to collect money it is said that Antony ordered Lachares, the richest landholder in the Peloponnesus, to be beheaded on a charge of robbery.[36] Antony was but following the example of his illustrious predecessor in employing such means. Dio Cassius says that Caesar resorted to assassination to obtain funds.[37]

When the stormy season interfered with his work outside of Greece, Antony gave himself over to a life of pleasure with Octavia, just as he had spent the winter of 41-40 with Cleopatra, merely looking over the reports sent out from the armies. He

[32]Cic. *de Imp. Cn. Pomp.* VII, 19.
[33]Appian, *B. C.* V, 75.
[34]*Ibid.*
[35]Appian, *B. C.* V, 77; Dio, XLVIII. 39.
[36]Plut. *Ant.* 67. Cf. *Bulletin de Correspondence Hellénique,* 1896, p. 155.
[37]XLII, 49.

exchanged the display of a general for the simplicity of private life, wore the Attic dress, took his meals in Greek fashion, and attended the lectures and discussions of public teachers.[38] He even went so far as to entitle himself the young Dionysus and insisted on being so called by others.[39] This was not an unusual practice, for the Dionysiac ritual differed from others in that in the common Greek nomenclature attached to it the inspired male votary was himself Βάκχος. The spirit of the god was supposed to enter into him, and therefore for the time being he bore the name.[40]

During the winter had come news of the victory of Ventidius over the Parthians. He had landed unexpectedly on the coast of Asia Minor, where Labienus, with the Roman soldiers that had been won to his standards, was ravaging the country Labienus was panic stricken and sent urgent messages to Pacorus for aid. Ventidius forced him to retreat as far as the Taurus range, where he overtook him. Both armies remained in camp for several days, for Labienus was awaiting the Parthians and Ventidius his heavy armed soldiers. Both arrived on the same day. Ventidius, through fear of the much famed Parthian cavalry, remained on the high ground where he was encamped. The Parthians, overconfident from their former victories, acted independently instead of placing themselves under the command of Labienus. They charged up the incline and were easily routed. They then deserted Labienus and fled into Cilicia. Ventidius, on hearing that the soldiers of Labienus intended to escape by stealth during the night, laid an ambuscade and killed or captured the greater part of them. Labienus himself escaped to Cilicia, only to be later captured and put to death.[41]

After this victory Ventidius regained Cilicia, and, while he was reorganizing the country, sent ahead Pompaedius Silo with

[38]Appian, *B. C.* V, 76.

[39]Dio, XLVIII, 39; Vell. Pat. II, 82; Athen. IV, 29.

[40]Farnell, *Cults of the Greek States*, V, p. 151.

[41]Dio, XLVIII, 39-41; Joseph. *Antiq. Jud.* XIV, 15, 1; *Bell. Jud.* I, 15, 3; Flor. *Epit.* II, 19; Frontin. *Strateg.* II, 5, 36; Macrob. *Sat.* I, 11-18; Liv. *Epit.* CXXVII.

cavalry[42] to the narrow pass, the Syrian Gates, leading into Syria.[43] Here Pacorus had sent a detachment under Pharnapates to guard the passage. Pacorus left Antigonus to defend himself as best he could against Herod, who was energetically maintaining his position against the Parthians, and concentrated his forces in Northern Syria and Commagene.

Silo attacked Pharnapates and was on the verge of defeat,[44] when Ventidius came up and by his aid brought about a victory. Pharnapates, with a great number of his followers, was killed. On the news of this defeat Pacorus retreated across the Euphrates for the winter, in order to prepare for a renewal invasion of Syria in the spring.[45]

In Palestine Ventidius did little to aid Herod. Josephus[46] even accuses him of coming merely for the purpose of extracting money from Antigonus. Ventidius was following the principles of strategy in striking the main body rather than the small divisions.

The campaign of the fall of 39 ended with Ventidius in possession of all Syria except the district of the Aradii, who were holding out desperately in fear of punishment for the murder of Antony's legates.[47] On the news of these victories Antony instituted a public festival throughout Greece in thanksgiving.[48]

At the opening of the spring of 38 Antony laid aside all frivolity and continued with his preparations. Lictors, army officers, and guards appeared. Embassies were received that formerly had been kept waiting, law suits were decided, ships

[42]Dio, XLVIII, 41.

[43]*Ibid.* Dio says that the pass was so narrow that a wall and gates were once built across it; hence the name.

[44]Frontin. *Strateg.* II, 5, 37, says the retreat was planned as a ruse. He also spells the name Pharnastanis.

[45]Hor. *Carm.* III, 6.

[46]Joseph. *Antiq. Jud.* XIV, 14, 6. Josephus never displays a clear comprehension of military tactics.

[47]Dio, XLVIII, 41.

[48]Plut. *Ant.* 33.

launched, and all the work preparatory for the campaign set in motion.[49]

Everything was at last in readiness for the retaliatory raid into Parthian territory. Each side was awaiting the opening of spring to begin hostilities. Much to Antony's irritation, at this most inopportune time, word came from Octavian asking him to come to Brundusium for a consultation. War with Sextus Pompey seemed imminent, and Octavian was in need of assistance. The summons could not have come at a time more ill-suited to Antony's interest. Nevertheless he set sail for Brundusium and arrived there on the day appointed. Antony was not yet ready for a break with Octavian. He needed the prestige which he hoped to gain from a victorious Parthian campaign. Furthermore he was still lacking in funds.

Octavian did not appear. Antony wasted no time in waiting, but, leaving a note for Octavian advising him not to violate their previous arrangement, sailed back to Greece.[50] Appian[51] gives several reasons that may be assumed for his hasty departure: either that he did not approve of the war, because he considered it a violation of the treaty of Misenum; or that he saw the great preparations of Octavian which he judged to be indicative of a future struggle for supreme power; or that he was frightened at the prodigy of a wolf, which entered the camp and devoured one of his guards all except the face.[52] It seems clear, however, that, when Antony had made every preparation for his Parthian campaign, upon the success of which he felt that the stability of his power rested, he would seize upon any pretext to avoid becoming embroiled in a war with Sextus that would, in all probability, postpone his own active participation in the affairs of the Orient for a year and leave too great an opportunity for glory to his lieutenant, Ventidius, reports of whose further success had already reached him. Hostilities between Ventidius and Pacorus had begun unusually early in the season. In fact, Ventidius

[49] *Ibid.*
[50] Dio, XLVIII, 46; Appian, *B. C.* V, 78-79.
[51] *B. C.* V, 79.
[52] Dio, XLVIII, 46; Appian, *B. C.* V, 79.

heard that Pacorus was ready to invade Syria before his own troops were assembled from winter-quarters. By false reports circulated among the Parthians he led them to cross the Euphrates considerably lower down the stream, and in this way forty valuable days were consumed which he used in collecting his own forces.[53]

Ventidius took a position on high ground at some distance from the river in Cyrrhesticia, offering no resistance to Pacorus' crossing nor taking the offensive after it had been accomplished. Once more the Parthians became over-confident and assumed the offensive. They approached the Roman defenses and boldly charged up the hill. The Romans made a sudden sally, and the enemy, taken at a disadvantage, were driven down the hill. Pacorus was slain. For a time his personal guard defended his body, but, when these too had fallen, the rest gave way and fled in all directions. Part made for the bridge of boats by which they had crossed the river, but were cut off and slain. The remainder took refuge with Antiochus, king of Commagene.[54] By the Parthian defeat the death of Crassus was avenged.[55]

With the expedition of Labienus and Pacorus, terminated any advance of the Parthian dominion toward the west. So far the Arsacids had adopted the Roman policy, following aggression by aggression in its effort to push the Western boundary to the coast of the Aegean and the Mediterranean; but from the defeat of Pacorus their policy became defensive rather than offensive. The Parthian method of warfare was suited for defense on the broad plains of inner Asia, but ineffective for offense in the rougher regions near the coast. The Parthians seemed unable to adapt their military system to changed conditions. It remained the same throughout their entire history. The Romans, on the contrary, were always ready to adapt their mode of war-

[53]Frontin. *Strateg.* I, 1, 6.

[54]Flor. II, 19; Dio, XLIX, 20; Strabo, XVI, 2, 8; Plut. *Ant.* 34; Just. XLII, 4; Livy, *Epit.* CXXVIII.

[55]The defeat of Pacorus is said to have taken place on the anniversary of the defeat of Crassus. Dio, XLIX, 21; Eutrop. VII, 5; Oros. VI, 18, 23.

fare to meet new situations. By a modification of their tactics the Romans compelled the Parthians to give up hope of dominion in the west.[56]

Ventidius easily reduced the rest of Syria, for its allegiance to the Parthians was based largely upon the personal influence of Pacorus, whose administration had been just and mild.[57] He then turned his forces against Antiochus at Samosata, both because he had not delivered up the fugitive Parthians and because of the opportunity for vast plunder in his rich kingdom. The king entered into negotiations with Ventidius and offered to pay an indemnity of a thousand talents. Ventidius came to no terms with him, however, but awaited the heralded arrival of Antony.[58]

Meanwhile Antony had set out from Greece amid great pomp and ceremony. He took a crown of sacred olive in conformity to an oracle,[59] and filled a vessel with water from the Clepsydra[60] to carry with him.[61] On his arrival in Asia he ordered Macherus to go to the assistance of Herod with a considerable force. The adherents of Antigonus had resisted every effort of Herod, confident of the final supremacy of their patrons, the Parthians. The Romans had been able to give Herod but little assistance, occupied as they were in their efforts to regain their power in Asia. Josephus claims that Macherus was bribed into inaction by Antigonus.[62] Herod, therefore, determined to make a personal appeal to Antony himself.[63] The time seemed

[56]Cf. Rawlinson, *Parth.*, pp. 198-200.

[57]Dio, XLIX, 20.

[58]Plut. *Ant.* 34; Dio, XLIX, 20.

[59]The sacred olive grew near the Erechtheum on the Acropolis.

[60]Paus. mentions a fountain of the Acropolis near the Propylaea. A spring still flows there, enclosed in a chapel in the rock on the northwest face of the Acropolis.

[61]Plut. *Ant.* 34.

[62]*Antiq. Jud.* XIV, 15, 7. Josephus is too ready to attribute the Roman lack of success in Judaea to bribery. It must be remembered that the Romans were unable to concentrate there, that there were large numbers of Jews in the Oriental party supporting Atigonus, and that the natural defences of Jerusalem were excellent. Strabo, XVI, 2, 40, describes the difficulty of a siege.

[63]Joseph. *Antiq. Jud.* XIV, 15, 7.

opportune, for Antony had assumed command at the siege of Samosata but had met with far less success than he had anticipated. After the first refusal of terms by Ventidius the people had set to work desperately on the defense of the town. Their efforts had met with such success that Antony had made but little progress. Herod arrived with a cavalry and infantry force of his own and a division which he had persuaded to join him at Antioch.[64] Soon after the arrival of Herod with these reinforcements Antiochus delivered up the fortress to Antony, although probably paying a smaller indemnity than was originally demanded.[65] The fall of Samosata closed the season's campaign.

Here has been found another instance of Antony's good judgment in fostering the power of the Idumeans. Herod had come to Antony when aid was urgently needed. He had recognized the principle of military tactics whereby the completion of the main campaign is required before troops can be sent to a less important one. As a reward for his services Antony despatched Sosius to Judaea to see that the campaign there was carried on with expedition,[66] as a part of his duty as governor of Syria and Cilicia.[67] Furthermore, Antony appointed Canidius to carry on

[64]Joseph. *Antiq. Jud.* XIV, 15, 8.

[65]Plut. *Ant.* 34; Oros. VI, 18, 23. Dio, XLIX, 22, says that Antony received neither hostages nor money, but granted Antiochus the death of Alexander, who had deserted to the Romans. Joseph. *Antiq. Jud.* XIV, 15, 9, says that in a little time after Herod's arrival with aid, Antiochus delivered up the fortress, stating nothing as to lessened indemnity and implying that Herod's aid brought the siege to a successful close. Since the source of military affairs in Plutarch is probably Dellius, one of Antony's lieutenants, it might seem that more reliance should be placed on his account, but it must be remembered that he deserted Antony and became a staunch adherent of Octavian, so that he would be ready at all times to assign as little success as possible to Antony.

[66]Joseph. *Aniq. Jud.* XIV, 15, 9; Oros. VI, 18, 23.

[67]Dio, XLIX, 22; Joseph. *Antiq. Jud.* XIV, 15, 6. Oros. VI, 18, 23, states that Antony placed Ventidius in charge of Syria wtih instructions to carry on war against Antigonus; but this is obviously a mistake, for Ventidius celebrated his triumph that fall at Rome. CIL. Acta Triumpha, 716, Nov. 28.

offensive warfare in Armenia.[68] He sent Ventidius to Rome to enjoy a triumph after bestowing upon him suitable decorations.

The enthusiasm at Rome was unbounded. The senate voted Antony a triumph in accordance with the law, for he was commander; but it voted one also to Ventidius, for it felt that he had paid the Parthians in full for the death of Crassus by the death of their prince, Pacorus.[69] Fate decreed that the first man[70] to celebrate a triumph at Rome over the Parthians had once been led captive in a triumphal procession through these very streets.[71]

In order to be in easy communication with both Italy and Asia, Antony decided to winter in Greece.[72] It was imperative for Antony to maintain his position in Italy. The lesser campaigns in Asia could well be entrusted to his subordinates, while the loss of influence due to his absence during a campaign would endanger his power at Rome. Caesar had followed this same plan when he was proconsul in Gaul, leaving the legions in winter quarters under his lieutenants while he himself hastened into Cisalpine Gaul. Caesar also furnished a precedent for Antony in leaving Sextus Caesar to carry on the work of reorganization in Asia when there was need of his own presence elsewhere.[73]

The present time was most suited to make Antony's authority dominant at Rome, for Octavian had disregarded Antony's note left for him at Brundusium in favor of peace with Sextus Pompey, and, as a consequence, his fleet had been destroyed off

[68]Plut. *Ant.* 34.

[69]Dio, XLIX, 21; Flor, II, 19; Plut. *Ant.* 34.

[70]Ferrero, *Greatness and Decline of Rome,* III, p. 278, states that Asinius Pollio celebrated a triumph over the Parthians, Oct. 25, 39 B. C. He mistakes the tribe of the Partheni for the Parthians.

[71]Vell. Pat. II, 65. For references to the triumph celebrated by Ventidius vid. Val. Max. VI, 9, 9; Plin. *N. H.* 7, 44 Plut. *Ant.* 34; Suet. quoted in Gellius, XV, 4; CIL. Acta Triumpha, 716; Nov. 28; Juv. *Sat.* VII, 199; old epigram given in Gellius, XV, 4; Eutrop, VII, 5; Dio, XLIX, 21.

[72]Plut. *Ant.* 34.

[73]*Bell. Alex.* 66, Dio, XLVIII, 26; Joseph. *Antiq. Jud.* XIV, 9, 2; *Bell. Jud.* I, 10, 5.

Scylla.[74] His funds were low, and he feared to levy new taxes because of the ill-feeling toward him already manifest in Italy.[75] In so difficult a situation, the support of Antony was imperative.

Furthermore the year 38 B. C. marked the end of the five-year agreement among Octavian, Lepidus, and Antony.[76] The triumvirate could hardly be renewed without discussion among the colleagues. In addition to this Antony wished to exchange his fleet, which was but an added expense and of which Octavian was in need, for a part of the legionaries of Octavian, which he required.[77] For these reasons Antony felt the necessity of leaving the winter campaign to his subordinates and returning to Greece.

Octavian recognized the strength of Antony's position and resolved to send to him at Athens, Maecenas, Cocceius, and Fonteius Capito to treat and, if possible, to arrange for a renewal of the triumvirate.[78] What message Maecenas brought back with him from Greece is uncertain. It is probable that Antony agreed to some sort of alliance and promised assistance.[79] Appian[80] says that, on receipt of the message, Octavian cast off his despondency and set to work building ships. Relying on Antony's support in case of trouble, he dared to raise money by renewed taxation.[81] Octavian's efforts at preparation met with such success that he assumed a far different attitude toward Antony in the spring of 37 B. C. Octavian feared that his own position in Italy would be greatly weakened by showing too open a dependence on Antony. He had done all in his power to put himself in a position to demand favorable terms from Antony, for he knew that Antony would be eager to be back in the Orient and that forces for his expedition and freedom from worry over political affairs in Italy were essential. Accordingly, when An-

[74]Appian, *B. C.* V, 85-90; Dio, XLVIII, 47-48.
[75]Appian, *B. C.* V, 92.
[76]Appian, *B. C.* IV, 2.
[77]*Ibid.* V, 93.
[78]Appian, *B. C.* V, 92; Hor. *Sat.* I, 5, 32.
[79]Appian, *B. C.* V, 93.
[80]*Ibid.* 92.
[81]Dio, XLVIII, 49.

tony arrived at Tarentum[82] with his three hundred ships,[83] Octavian postponed his own coming and offered numerous pretexts for the delay. Antony persisted in his efforts, for he wished to effect the exchange of ships for the needed soldiery. At this crisis Octavia acted as mediator, and Octavian finally agreed to an interview.[84] The triumvirate was renewed for a period of five years dating from January 1, 37 B. C.[85] The reconciliation was but a mutual pretence, and none felt it to be more so than did Antony.[86]

It was with but little satisfaction that Antony set sail for Syria, leaving Octavia with her brother.[87] The events that had just transpired had a marked influence on Antony's future conduct in the Orient. From the overbearing manner in which Octavian had acted, Antony came to a realization of the power his rival had gained both from his absence from Italy and from his inability to gain funds for the soldiers in Asia, a task which, it will be remembered, had been assigned to Antony by the agreement after Philippi. The bankrupt condition of Asia was not appreciated in Italy, and Antony's enemies were all too ready to attribute his lack of funds to his excesses while in the East.[88] He realized that the inevitable struggle with Octavian was imminent, but was determined to be as prepared as possible before the conflict. These conditions must be kept in mind in a consideration of his subsequent conduct in the East.

[82]Cf. Ferrero, *Greatness and Decline of Rome,* III, p. 293, n. 5.

[83]Appian, *B. C.* V, 93.

[84]*Ibid.;* Plut. *Ant.* 35.

[85]Dio simply states that they granted themselves the chief authority. Appian, *B. C.* V, 95, says they renewed the triumvirate for five years without asking the people. Appian, *Illyr.* 28, says that the triumvirs themselves ordained it but that the people confirmed it. The last statement seems the most probable, and the other statements do not contradict it. The formality of having the law approved by the people gave a legal significance to their authority. This sanction could have been obtained after Antony had left.

[86]Dio, XLVIII, 54.

[87]Plut. *Ant.* 35; Dio, XLVIII, 54, says that Antony sent Octavia to Italy from Corcyra. She might easily have accompanied him that far on his journey.

[88]Plut. *Ant.* 24.

CHAPTER VI

THE PARTHIAN EXPEDITION

Since the agreement reached at Tarentum had promised to be of so little advantage to Antony, he could not but feel that, if he wished to counteract Octavian's rapidly increasing claims to popularity in Italy, haste in the preparations for his Parthian expedition was imperative. Everything was in readiness except the financial backing necessary for the execution of his project.

During Antony's absence in Italy, his lieutenants had been most successful in their work in the east preparatory to the expedition. Publius Canidius, who had been sent against the Iberians,[1] had conquered them, brought them into an alliance, and with their aid had pushed on against the Albanians, whom he likewise had overcome.[2] In July, 37 B. C., Herod and Sosius had captured Jerusalem.[3] The fall of Jerusalem was of great importance to Antony, for it not only placed the troops which had been engaged in the siege of this city at his disposal but it also furnished him with a small part of those funds for which he had such need, since it was only by means of rich gifts that Herod induced Sosius and his troops to depart.[4] On the fall of the city Antigonus was put to death, for much as Antony wished to use him in a triumph he realized that, as long as a pro-Parthian prince of the Hasmonean house was alive, the Jews and Parthians would conspire to replace him upon the throne. Josephus, as usual, attributes Antony's decision to Herod's bribes.[5] This

[1]Plut. *Ant.* 34; Dio, XLIX, 24; Drumann, *Gesch. Roms,* p. 450. Drumann thinks that the king of the Iberians took this stand in the hope that Canidius would meet disaster in the continuance of his campaign.

[2]Dio, XLIX, 24.

[3]Joseph. *Antiq. Jud.* XIV, Dio, XLIX, 22. For a discussion of the date vid. Kromayer, *Hermes,* 29, pp. 563-571; Shurer, *Hist. Jews* I, p. 397, n. 11.

[4]Joseph. Antiq. Jud. XIV, 16, 1-3; *Bell. Jud.* I, 17, 9; 18, 1-3.

[5]*Ibid. Antiq. Jud.* XIV, 16, 4.

was the first time a Roman had ever ordered the execution of a king.[6] In addition to this success at Jerusalem, Sosius had conquered the Aradii, who had held out against the Romans most resolutely.[7]

Immediately on Antony's arrival in Syria in the late fall of 37 B. C.,[8] he took up again the work of administration which he had begun in 41 B. C. Again Plutarch[9] states that Antony conducted affairs in a reckless fashion, that he gave tetrarchies to private persons, and took kingdoms from many rulers. The only example that he cites, however, is Antigonus. For Antony to deprive this Parthian client prince of his throne, in order to establish the pro-Roman Herod in his place, showed no lack of judgment.[10]

It is probable that at this time Antony also enforced his earlier decision against Ariarathes by establishing Archelaus on the throne.[11] In 39 B. C. Antony had made Amyntus ruler over Pisidia.[12] On the death of Deiotarus, king of Galatia, the rule had reverted to his heirs.[13] Antony now took Galatia from them and bestowed it, together with Lycaonia and Pamphylia, upon the capable Amyntus.[14] This was good policy, for Galatia was a region of Asia best organized in a military point of view and

[6]*Ibid. Antiq. Jud.* XV, 1, 2, where he quotes a passage from a history of Strabo not now extant; Dio, XLIX, 22; Plut. *Ant.* 36; Zonar. 5, 11; Hegesip. I, 31.

[7]Dio, XLIX, 22.

[8]For a discussion of the date vid. Bürcklein, *Rom.-parth. Feldzüge*, p. 24.

[9]*Ant.* 36.

[10]Gardthausen, *Augustus*, I, p. 292, following the view of Plutarch, cites the case of Lysanias, son of Ptolemy, king of Iturea (Dio, XLIX, 32). He too was charged with giving aid to the Parthians, (Joseph. *Antiq. Jud.* XV, 4, 1), perhaps unjustly, but Antony cannot be censured for taking drastic measures against him, since at least he was on intimate terms with Antigonus. (Bouché-Leclerq, *Lag.* II, p. 254.)

[11]Vid. *supra*, p. 49, n. 77.

[12]Vid. *supra*, p. 91.

[13]Dio, XLIII, 33.

[14]*Ibid.* XLII, 32; Plut. *Ant.* 61; Strabo, XII, 5, 1.

most ready for action.[15] Indeed the Romans always found its race of fighting men both useful and congenial and under the empire recruited largely from them.[16] Therefore, in preparing for his Parthian raid, it was essential for Antony to have the Galatians under a ruler upon whom he could depend.

Everything now seemed in readiness for the campaign, with the exception of financial backing. Antony had become convinced that all his efforts to secure funds had been inadequate. These sovereigns whom he had established could furnish him with but little in comparison with his needs, for, as has been shown,[17] Asia was bankrupt. A most convincing proof of Antony's desperate need of money is the debased coinage which he issued at this time.[18] He had tried every expedient to finance his expedition in the years since the winter of 41-40, when his hope of gaining unlimited resources through an alliance with Cleopatra had failed.[19] As a last expedient to attaining his ultimate goal of supreme power at Rome, Antony was forced into a marriage with Cleopatra. The changed attitude of Octavian, the unsatisfactory settlement at Tarentum, and his own bankrupt condition had brought matters to a crisis. Antony realized that the inevitable conflict with Octavian could not long be postponed and that before an open conflict should take place he must regain his popularity with the Roman populace. The only sure means seemed to be a successful raid into Parthian territory and the regaining of the standards lost by Crassus. With these considerations in mind, therefore, he sent Fonteius Capito to Alexandria to bring Cleopatra to Antioch.[20]

[15]Mommsen, *Rom. Prov.* I, p. 363.

[16]Arnold, *Rom. Imp.*, pp. 229-230.

[17]Vid. *supra*, p. 63.

[18]Pliny, *N. H.* XXXIII, 46.

[19]Vid. *supra*, p. 76.

[20]Plut. Ant. 36; Bouché-Leclerq, *Lag.* II, pp. 252 sq., and Gardthausen, *Augustus*, II, p. 291, see no other motive in Antony's renewed intercourse with Cleopatra than his love for her. Ferrero, *Greatness and Decline of Rome*, IV, p. 3, sees only a political motive, but thinks this motive was to obtain funds for the conquest of all Persia.

By a careful study of the coins, Letronne[21] has shown that in the beginning of the year 36 B. C. Antony and Cleopatra celebrated their marriage at Antioch with due legal procedure. There is also evidence that the legality of this marriage was recognized in antiquity, for Plutarch[22] states that at this time Antony had two legal wives. Furthermore by acknowledging Caesarion as Caesar's heir[23] and thus sanctioning Caesar's relation with Cleopatra, Antony showed that he believed that his own marriage with her could be considered legal.[24] Furthermore, it was not after his divorce from Octavia, but in 36 that Antony recognized his children by Cleopatra as legal. Clearly, then, he had at last acceded to Cleopatra's demand for a legal marriage. Under no other circumstance would she furnish him with funds to finance his expedition. It is important to note, however, that the marriage was celebrated without any display or ostentation, in a Syrian town, not at Alexandria, that Antony did not accept the title of king on his coins, and that he took no step to break with Octavia.[25] This seems to indicate that Antony's aim was still to attain supremacy at Rome, not to win an empire in the East. With a successful Parthian campaign, with which to command popularity at Rome, he would no longer be in need of Cleopatra and her wealth. The triumphant Roman general could easily ignore the obscure marriage with the Egyptian queen. It was not until his raid into Parthia ended in failure that he gave up hope of supremacy in Rome and, yielding to the persuasions of Cleopatra, turned his eyes to a kingdom in the Orient. Until that time his entire policy had corresponded to that of former Roman generals aspiring to supremacy at Rome. Another proof of the legality of the marriage is that Cleopatra followed the custom of Egyptian sovereigns when they contracted

[21] *Recueil des inscriptions grèques et latines de l'Égypte, Paris,* 1842-1848, II, pp. 90 sq., referred to by Bouché-Leclerq, *Lag.* II, p. 257, n. 1, and by Ferrero, *Greatness and Decline of Rome,* IV, pp. 6-7.

[22] *Com. Dem. cum Ant.* 4.

[23] Dio, XLIX, 41.

[24] Kromayer, *Hermes,* 29, pp. 582-3.

[25] Ferrero, *Greatness and Decline of Rome,* V, p. 266.

a new marriage, by beginning to count the years of her reign from that date.[26]

Now that Antony felt that financial backing for his expedition was assured, he hastened his preparations. In return for the aid given him by Cleopatra he presented her with the kingdom of Lysanias of Chalcis.[27] In the early spring everything was in readiness and Antony set out on his campaign, accompanied as

[26]Por. Tyr. *FGH.* III, p. 724. For a full discussion of the change in date vid. Bouchè-Leclerq, *Lag.* II, p. 257, n. 1, and Ferrero, *Greatness and Decline of Rome,* IV, p. 7, n. 2.

[27]Por. Tyr. *FGH.* III, p. 724; Dio, XLIX, 32. Sources disagree concerning the gifts to Cleopatra both as to date and whether they were all granted at the same time. That the kingdom of Lysanias was granted her before September, 36, is generally accepted. (Schürer, *Hist. Jews,* p. 402; Kromayer, *Hermes,* 29, p. 575; Gardthausen, *Augustus,* I, p. 292; Bouchè-Leclerq, *Lag.* II, p. 256.) Plutarch, *Ant.* 36, places the entire gift and the recognition of the twin children in 36 before the Parthian expedition. Dio (XLIX, 32) places the entire gift and the recognition of the twin children and also that of Ptolemy in 36, but after the expedition. Josephus, *Antiq. Jud.* XV, 4, 1-2, divides the gifts and puts the date in 34 in connection with the summons of Herod to Laodicea to answer for the murder of Aristobulus. Schürer, *Hist. Jews,* p. 402, n. 5; p. 344, accepts Josephus. Gardthausen, *Augustus,* I, 292, seems to accept Plutarch without discussion. Bouché-Leclerq, *Lag.* II, p. 255, follows Plutarch without discussion of the date. In an article on Herod in Pauly-Wissowa, *Real-Encyclopädie,* Kromayer's investigations are discussed and accepted. Ferrero, *Greatness and Decline of Rome,* IV, p. 9, accepts Kromayer without discussion. Kromayer, *Hermes,* 29, pp. 571-585, places the donations in 36 before the Parthian expedition. He attributes the difference in time between Dio and Plutarch to Dio's carelessness in the chronology within the year. However he fails to note one other point of difference between Dio and Plutarch. In the recognition of Antony's children as legitimate, Plutarch includes only the twins. Dio includes Ptolemy, who was probably born during the Parthian expedition. It seems that Dio did not place the recognition of the children and the donations after the raid into Media because of carelessness in chronology but because he wished to include Ptolemy. It seems that the birth of a child after the legal marriage would be a most suitable occasion for the recognition of all three children as legitimate, a step upon which Cleopatra was most likely to insist. Therefore I follow Kromayer in placing the donations in the year 36, but I accept Dio rather than Plutarch in putting the date after the Parthian expedition.

far as the Euphrates by Cleopatra.[28] Practically all modern historians maintain that Antony opened his campaign too late in the year,[29] and on the authority of Livy[30] attribute the delay to his desire to remain as long as possible with Cleopatra. Kromayer, on the contrary,[31] has proved that Antony entered upon his campaign even earlier than preceding Roman commanders, since he arrived at Zeugma in February or March.

Furthermore, even before his actual departure, he was busily engaged in negotiations with the Parthian noble Monaeses. On the death of Pacorus, the king Orodes had abdicated in favor of his son, Phraates.[32] There ensued a series of atrocities, begun by the murder of all possible claimants to the throne. Since any of the nobility who ventured to protest were executed, many prominent men, among them Monaeses, fled to Antony for protection.[33] He represented to Antony that, with Roman support, he could easily overcome the Parthians. Antony was greatly impressed by his proposals, and an agreement was reached.[34] Meanwhile, Phraates, seeing that he had carried his persecutions to a point dangerous to himself, had come to terms with Monaeses. Antony learned of the infidelity of Monaeses, but, in order to take the Parthians the more unprepared, sent him back to Parthia to negotiate with the king, as if he still believed him faithful to Roman interests.[35] Antony himself, however, entered into negotiations with Artavasdes, King of Armenia.[36] These negotiations terminated in his decision to attack the territory of

[28]Plut. *Ant.* 37; Joseph. *Bell. Jud.* I, 18, 5; *Antiq. Jud.* XV, 4, 2; Strabo, XI, 13, 4.

[29]Drumann, *Gesch. Roms,* I, 453; Rawlinson, *Parth.,* p. 201; Mommsen, *Rom. Prov.* II, p. 30; Gardthausen, *Augustus,* I, p. 293; Bouché-Leclerq, *Lag.* II, p. 255.

[30]*Epit.* 130.

[31]*Hermes,* 31, pp. 90-101.

[32]Dio, XLIX, 24; Justin, XLII, 4; Head, *Hist. Num.,* p. 694.

[33]Plut. *Ant.* 37; Dio, XLIX, 24.

[34]*Ibid.*

[35]*Ibid.;* Flor. II, 20; IV, 10.

[36]Head, *Hist. Num.,* p. 636; Dio, XLIX, 25.

the king of Media Atropatene, a Parthian client prince,[37] who, by joining his troops to those of the Parthians on guard at the Euphrates frontier, had left his country practically undefended.

In execution of this plan Antony turned to the north on reaching the Euphrates, instead of crossing the river as the Parthians had expected. In order to take Media Atropatene the more unprepared, Antony divided his troops. To Oppius Statianus he entrusted the baggage train and siege batteries, while he proceeded by forced marches toward Praaspa, the capital of Media Atropatene.[38] He at once laid siege to the stronghold. The Median king returned to the defense of his country, but, instead of attempting to relieve the siege, made a surprise attack on Statianus. The Roman leader was defeated and slain with ten thousand of his men, and the baggage train and siege-engines were captured.[39] Even more disastrous for Antony than the loss of this division of his army was the desertion of Artavasdes. who, inspired either by treachery or by fear that Antony's expedition was destined to failure, withdrew his troops and left Antony without the support of his all-essential cavalry.[40]

Antony, nevertheless, continued to push the siege, until his supplies began to fail and he was forced to send his foraging parties to such a distance that they were frequently attacked and destroyed by the enemy.[41] Consequently, feeling compelled to relinquish the siege and retreat to Armenia before winter set in, he began to retire to the Araxes,[42] guided by a Mardian who was well acquainted with the country. Under constant attack from the Parthians and suffering from cold and lack of food and

[37]Dio, XLIX, 25.

[38]Plut. *Ant.* 38; Dio, XLIX, 25.

[39]Plut. *Ant.* 38.

[40]Plut. *Ant.* 39; Dio, XLIX, 25. Gardthausen, *Augustus*, I, p. 294, sees no trace of treachery. Bouché-Leclerq, *Hist. Lag.* II, p. 258, n. 2, follows Strabo, XI, 13, 4, and Plut. *Ant.* 50, in accepting treason as the cause. H. Rawlinson, *Geographical Journal*, X, pp. 113-117, identifies Praaspa with the modern Takht-i-Suleiman. Dio uses the name Phraaspa or Praaspa, and Plutarch Phrasta.

[41]Dio, XLIX, 26.

[42]Plut. *Ant.* 41; Dio, XLIX, 28; Frontin. *Strateg.* IV, 1, 37.

water, he fought his way back to Armenia,[43] but did not winter in that country, choosing rather to push on into Syria, where he was met by Cleopatra with money and supplies for the army.[44] Here he left the army in winter quarters and departed with the queen for Alexandria.[45]

In a discussion of Antony's expedition against Parthia, it is necessary to keep in mind the purpose that he had in view. Modern historians, without exception, see in this expedition a great campaign of conquest for the purpose of completely overthrowing the power of Parthia.[46] It seems, however, from a consideration of Antony's earlier conduct in relation to the expedition and from a careful observation of various phases of the expedition itself, that this could not have been his purpose. The postponement of the expedition whenever affairs of importance seemed to need his personal supervision at Rome, the point of attack, the route taken, the fact that he did not plan to take up winter quarters in Armenia after the campaign, his establishment of buffer-states along the frontier instead of forming the territory into Roman provinces, the fact that he had planned for the construction of no great military roads or for placing troops on permanent garrison duty throughout the border territory, all seem to point to the expedition's being a razzia into the territory of a Parthian client prince rather than a great campaign of conquest.[47]

Conditions in the Roman empire demanded such a frontier policy. By the end of the republic Rome had reached the great permanent boundaries of her empire, with but two exceptions, Armenia on the northeast and Germany on the northwest. On the northeast was the great Taurus range, whose trend is in the main east and west, so that neither the crest of a long line of

[43]Plut. *Ant.* 41-50; Livy, *Epit.* 130.

[44]Plut. *Ant.* 51; Livy, *Epit.* 130; Dio, XLIX, 82; Vell. Pat. II, 82; Flor. IV, 10.

[45]Appian, *B. C.* V, 133; Dio, XLIX, 32.

[46]Mommsen, *Rom. Prov.* II, p. 30; Kromayer, *Hermes,* 31, p. 90.

[47]For a discussion of this policy vid. *Illinois Studies,* June, 1915, Oldfather and Canter, *The Defeat of Varus.*

mountains nor the course of a large river supplied a satisfactory north and south line between the Roman and Parthian empires.[48] As has been seen, Rome had adopted the plan of protecting this frontier by a series of buffer-states under the rule of native princes dependent upon Rome for their authority. That Parthia had followed the same policy has been shown in the case of Palestine and the other Syrian states. Media Atropatene was also a Parthian buffer-state.

Parthia had gone farther than the establishment of these buffer-states. To maintain her influence as supreme, she had sent troops into the territory under the protection of Rome. By the successful raids of these forces Parthia had materially increased her influence. Antony had in mind a similar plan, a retaliatory raid into Parthian territory.

Punitive and monitory raids were frequently undertaken in antiquity without any attempt whatsoever to make the conquest permanent.[49] Caesar had employed this policy both in his raid into Britain and into Germany. It was also in all probability such a raid that he planned to make into Parthia. Octavian was following the same policy later in his expedition into Arabia, 25-24 B. C., where there is no evidence that a permanent seizure of the land was contemplated, the main purpose being rather to make a demonstration of the vigor of the new Egyptian administration.[50] In the invasion of Dacia, 12-9 B. C., and the later raids during the Pannonian revolts, 6-9 A. D., Octavian merely wished to assert the authority of Rome without any intention of making additions to the territory of the Empire.[51] The success of these expeditions tended to promote his popularity at home as well.

Antony likewise wished to demonstrate the renewed stability of Roman rule in the Orient and, by a victory over the Parthians, to gain favor at Rome upon which he might depend later

[48] *Illinois Studies*, June, 1915, Oldfather and Canter, *The Defeat of Varus*, p. 83.

[49] *Ibid.*, pp. 105-106.

[50] Oldfather and Canter, *Illinois Studies*, June, 1915, pp. 106-107.

[51] *Ibid.*, p. 107.

in his conflict with Octavian for supreme power. Antony was merely following a policy which Caesar had adopted before him and which Octavian favored after him.

The first objection to Antony's expedition[52] as a great campaign of conquest upon the success of which he based his hopes of an empire in the Orient, is the postponement of this expedition every time affairs at Rome seemed to need his attenton. First, in the spring of 40 B. C., when the raid of Pacorus and Labienus made the need of Roman support in Asia imperative, Antony left his interests in the Orient to take care of themselves as best they might, while he himself hastened to Italy to adjust the difficulties threatening his power there. He remained away from the East from the spring of 40 B. C. until the summer of 38 B. C. If his aim had been supreme power in the East rather than in Italy, it seems strange that he should have spent so long a time in Italy

[52]The sources for the Parthian campaign can be traced back to a certain Dellius, who took part in the campaign with Antony. Strabo, XI, 13, 3, cites as his authority for a statement, "Dellius, the friend of Antony, who wrote an account of Antony's expedition against the Parthians in which he himself took part and held a command": (ὥς φησιν ὁ Δέλλιος ὁ τοῦ Ἀντωνίου φίλος, συγγράψας τὴν ἐπὶ Παρθυαίους αὐτοῦ στρατείαν, ἐν ᾗ παρῆν καὶ αὐτὸς ἡγεμονίαν ἔχων). After he had taken an important part in Antony's administration of the Orient (Plut. *Ant.* 25; Joseph. *Antiq. Jud.* XIV, 15, 1; *Ibid.* XV, 2, 6; Strabo, XI, 13, 3; Dio, XLIX, 39) he deserted him for Octavian just before the battle of Actium, when he feared Antony's cause was hopeless (Dio, L, 13; Vell. Pat. II, 84; Plut. *Ant.* 59). He bought his pardon from Octavian by a betrayal of Antony's plans. He seems to have gained entrance into Octavian's circle of literary friends (Sen. *de Clem.* I, 10; Hor. *Carm.* II, 3). Consequently he was ready to follow the example of the other writers of the day in lessening any odium that might fall upon Octavian as a result of the fate of the less fortunate Triumvir by emphasizing the fault of the "Egyptian Woman." Likewise he felt that he had need of justifying his betrayal of Antony and therefore probably exaggerated the sufferings of the army and laid the blame for the disaster to poor management on Antony's part. (Cf. Bouché-Leclerq, *Hist. Lag.*, p. 261, n. 1.) The story furnished excellent rhetorical matter for the later writers and grew with the years. (Flor., II, 20; Serv. *ad Aen.* VIII, 678; Oros. XIX, 1-2.) For a discussion of Dellius vid. Bürcklein, *Quell. und Chron. der römparth. Feldzüge*, pp. 7-15.

rather than in the Orient, especially when the Parthian victories were weakening the power of Rome in that part of the empire.[53] Again, in the spring of 38 B. C. he did not sail directly from Greece in order to open his campaign in Asia seasonably, but at the bidding of Octavian returned first to Italy. Although he did not linger there, much valuable time was lost. In the spring of 37 B. C. he returned to Italy again in an endeavor to protect his interests there before entering upon his long postponed Parthian expedition. Antony's readiness to defer this expedition whenever affairs of importance seemed to make his presence at Rome advisable seems to point to the fact that it was supremacy in Italy rather than in the Orient for which he was planning and that the Parthian campaign was but a means to this end, a means to be employed only when best suited to further his interests in Rome.

In Antony's point of attack, the Parthian buffer-state, Media Atropatene, modern historians have seen the predominant influence of the Armenian king, with whom Antony was allied. Consequently, they consider the choice of this objective as his first grave mistake.[54] They picture Antony as duped by Artavasdes, who wished to turn the attack on Media to his own personal advantage. Mommsen[55] considers the direction that Antony chose most surprising, since all aggression of the Romans against the Parthians, both earlier and later, took the route for Ctesiphon, which was the capital of the kingdom and so situated on the frontier that it was the natural aim of operation for armies march-

[53]Ferrero, *Greatness and Decline of Rome,* III, p. 245, n. 2, finds the cause of Antony's departure for Italy and the consequent postponement of the Parthian expedition in his need for the troops that were then in Italy. This explanation neither accounts for his long stay in Italy nor for the fact that he himself went to Italy for the troops instead of entrusting their transportation to a lieutenant while he took command against the Parthians who were so seriously threatening the power of Rome. This plan would have been more in accordance with the example set by Caesar before the battle of Dyrrachium.

[54]Bouché-Leclerq, *Hist. Lag.* II, p. 258; Gardthausen, Augustus, I, pp. 293-4; Rawlinson, *Parthia,* p. 201.

[55]*Rom. Prov.* II, p. 30.

ing downward on the Euphrates or Tigris. He thinks that Antony may have wished to push forward from Atropatene into the heart of the enemies' country, but that if this was his purpose, he both acted without knowledge of the difficult ground and underestimated the strength of his opponents. This objective, however, has many points in its favor, especially if the attack is considered as a razzia. This point of attack had been suggested to Crassus by Artavasdes but had not been accepted. After the crushing defeat of Crassus, the plan which he did not adopt must have been thoroughly discussed and probably considered in a rather favorable light in view of the disastrous result attendant upon its rejection. Caesar, on the contrary, accepted this plan, and it was therefore Caesar's plan as well as that of Artavasdes which Antony followed.[56] Caesar had excellent reasons for his choice. First, the way to Ctesiphon lay through open country in part desert, where the army was always exposed to attack by the Parthian cavalry. On the other hand, that part of the route to Phraaspa which was not through the friendly Armenia lay through a country which, although hostile to the Romans, was unfavorable to the Parthian cavalry. Second, in the case of the objective adopted, supplies were abundant,[57] while, as has been said, in the other case the route lay in part through desert land. Third, it was only with Phraaspa as the point of attack that Artavasdes would furnish the all-important Armenian cavalry which was experienced in Parthian methods of warfare. Fourth, in case of a defeat at Ctesiphon, a safe retreat was practically impossible because of the desert character of the country and of its advantages to the Parthian cavalry, while in case of defeat in Atropatene the country was unfavorable to Parthian methods of warfare, and when Armenia was reached there would be a protected line of retreat.[58]

A lack of knowledge can scarcely have been responsible for the project. Caesar always based his plan of campaign on a

[56]Suet. *Caes.* 44.

[57]Strabo, XI, 13, 3-4.

[58]Kromayer, *Hermes,* 31, pp. 86-90.

thorough acquaintance with the topography of the land.[59] As a result of the constant warfare between Armenia and Atropatene, Artavasdes must have known the country perfectly from a military point of view.[60] Caesar probably had gained much valuable information from him. Antony himself had probably acquired first-hand knowledge of the routes to be pursued when he was commander of the horse with Gabinius on his raid against Parthia. As Caesar's trusted lieutenant Antony must have taken an important part in the discussions of the Parthian campaign which Caesar was planning just before his death. Accordingly, it seems hardly possible that Antony chose his objective because of lack of knowledge of the land.

If the campaign is considered as a razzia rather than a campaign of conquest, the objective seems most suitably chosen. As has been shown, the approach lay through a friendly country to a point where a rapid march could be made to the objective before the enemy was aware of the hostile attack. In case of defeat there was a protected line of retreat. The razzias made by the Romans were not conducted according to the methods of actual campaigns. Pitched battles seldom took place.[61] Their purpose was to demonstrate the power of Rome and to show "how far beyond the actual frontier its outstretched arm could strike." [62] Consequently one of the first essentials for the success of such a raid was rapidity of attack. For this purpose Praaspa was an excellent objective.

Gardthausen[63] is of the opinion that Antony's route is incomprehensible. This seems hardly true. When Antony reached Zeugma, the starting point for his expedition,[64] not all of his army was mobilized. Part of his legions were with Canadius north of Armenia in Iberia. His greatest lack, however, was the cavalry force which the Armenians were to furnish him. None

[59]Suet. *Caes.* 53.
[60]Kromayer, *Hermes*, 30, p. 87.
[61]Oldfather and Canter, *Illinois Studies*, p. 89, n. 14.
[62]*Ibid.*, p. 88.
[63]*Augustus*, II, p. 153, n. 18.
[64]Strabo, XI, 13, 4.

of the Armenian horse, which was experienced in Parthian methods of warfare, was with him in Zeugma,[65] but was to meet him either in Armenia itself or on the way to Armenia. Antony's first care was to avoid a conflict with the Parthians until his army should be entirely mobilized. Therefore it was but natural that by turning to the north he was able to avoid an encounter with those Parthians who were on guard at the Euphrates.[66] His whole plan was to make Atropatene the field of campaign, with Armenia as the base of supplies, thereby postponing the conflict with the enemy until he should be fully prepared. Furthermore, by swinging around toward the north and choosing the route along the Araxes river, as has been shown, the supplies were assured for the army, the passage was protected from the attacks of the Parthian horse, in which the main strength of the enemy consisted, and there was an opportunity for a surprise attack while the latter were still on guard at the Euphrates. By adopting any other route than the one along the Araxes river, all the advantages to be gained by choosing Media as an objective would be lost.[67]

Historians find a third problem in the haste with which Antony carried on his raid. Following Dellius in his desire to place a large share of the blame on the baneful influence of Cleopatra over Antony,[68] modern scholars attribute the disastrous outcome of the expedition to Antony's desire to finish the raid in the shortest possible time in order to spend the winter in Alexandria with Cleopatra. If the campaign is considered as a razzia, it seems that a more satisfactory explanation can be found. As has been shown, one of the essentials for the success of such an expedition was rapidity of attack. The armed force of the Romans must appear in the heart of the enemies' territory before their proximity was even suspected. Antony planned just such an attack. He risked a division of his forces that he might insure

[65]Plut. *Ant.* 50.

[66]Dio, XLIX, 15.

[67]Vid. Kromayer, *Hermes*, 31, pp. 70-90, for a full discussion of the route.

[68]Plut. *Ant.* 37.

this necessary rapidity of action. The failure of the maneuver was not due to lack of wisdom in its conception but to the treachery, or at least to the cowardice, of the Armenian king.[69] Because of a lack of the provisions necessary for a long winter campaign, Antony was forced to relinquish the siege of Praaspa and retire into Armenia. Here again there seems to be evidence that he had in mind a retaliatory raid rather than a great campaign of conquest. If Antony had spent almost six years in preparation for the campaign, it seems hardly probable that he would be forced to give up his first objective because of inadequate provision for supplies. One and the same explanation can be given both for the haste shown in the expedition and for the failure of the siege. Antony was not careless in his preparations or hasty in the execution of his scheme from a desire to be with Cleopatra. He had in mind a razzia into the Parthian buffer-state Atropatene, and this he carried out with energy and despatch. It is not to be questioned that he met with great suffering on his retreat.[70] By the loss of the Armenian cavalry he was forced to choose a difficult route through mountainous country in order to escape the attacks of the Parthian horse.[71] The easy line of retreat through the plain had been rendered impossible by the desertion of the Armenian cavalry.[72] Nevertheless the entire plan had been carried out energetically along lines which Antony had learned under Caesar, and the risks assumed, such as the division of the army, were no greater than Caesar frequently took. The ultimate failure of the expedition detracts in no way from the brilliance of the plan of campaign as conceived by Caesar or from Antony's energy in its execution.[73]

After the retreat of Antony into Armenia it seems as though

[69]Dio, 49, 25; Plut. *Ant.* 38.

[70]Dellius, writing to please Octavian, undoubtedly has exaggerated the sufferings of the army. The story grew as it was retold. Orosius, VI, 19, 1-2, states that he returned to Antioch with only a few men. Vid. note 47.

[71]Rawlinson, *Geog. Jour.* X, pp. 115-117.

[72]Plut. *Ant.* 50.

[73]Kromayer, *Hermes*, 31, p. 104.

he would have taken up winter quarters there preparatory to a renewed attack in the spring, had he been planning the conquest of Parthia. Instead of doing this, however, in order to winter in Syria,[74] he braved the dangers of a march through a bleak mountain country, where he lost many of his men from hunger and cold. This seems to be an important indication that Antony planned only a retaliatory raid, for in these raids the Romans never took up winter quarters in the enemies' territory.[75] Ancient historians maintain that his return to Syria was due to a desire to be with Cleopatra, and many modern historians see only this reason for his return, Ferrero[76] maintaining that Antony had in view the conquest of Persia, but that the political situation in the Roman world was such that his absence for a longer period was impossible. If Antony had spent five years in so arranging his affairs that he could undertake this expedition, as Ferrero maintains, it seems that he would have taken into consideration the necessity of wintering in the interior. Bouché-Leclerq[77] assigns as a reason the fear of further treachery on the part of Artavasdes. If the flight of the Armenian cavalary was due to treachery rather than actual panic, Artavasdes would be only too ready to ward off the punishment which was sure to fall to his lot by conciliating Antony in every possible way. The risk of treachery on the part of the Armenian king does not seem to be a sufficient cause for the exposure of his men to the actual dangers of cold and starvation in a winter march across the mountains, if Antony had expected to renew his campaign in the spring.

Antony, like the other great Roman leaders, had but two ways of dealing with the frontier, "either the constant pushing forward of the lines of the empire or the buttressing of the frontier by forming a series of buffer-states."[78] In the pursuance of the latter plan there was need to keep fear of the mili-

[74]Plut. *Ant.* 51; Livy, *Epit.* 130.
[75]Oldfather and Canter, *Illinois Studies,* p. 91.
[76] IV, pp. 26-28.
[77]*Hist. Lag.* II, p. 261.
[78]Oldfather and Canter, *Illinois Studies,* June 1915, p. 85.

tary power of Rome constantly in the minds of the people.[79] As has been shown by numerous examples, the razzia seemed the best means of accomplishing this end.[80] It has been shown that from Antony's first entrance into the Orient he consistently followed the policy of establishing states on the frontier under native princes, whose authority rested solely on the authority of Rome. It seems only natural that he should continue the line of policy thus far established by gaining prestige for Roman arms by means of a raid into Parthian territory. Antony had taken no steps to form the territory along the frontier into Roman provinces, where Roman troops would be stationed on permanent garrison duty, nor had he made any efforts to construct in these districts the Roman roads so all-important for military success, if permanent conquest was in view. In the actual conduct of campaigns of conquest such steps were essential.[81] Therefore Antony's postponement of the expedition whenever affairs in Italy demanded his presence there, his choice of a buffer-state of Parthia as the point of attack, his selection of a route by which a rapid descent into the enemies' territory could be made without their knowledge, the fact that he considered rapidity in attack of such importance that he endangered the success of the expedition by a division of his troops, his omission to make provisions for taking up winter quarters in the interior, and his adoption from his entry into the Orient of a policy of defending the frontier by establishing buffer-states rather than by pushing forward the boundaries of the empire—all are cogent reasons pointing to the fact that Antony's expedition into Parthia was a retaliatory raid rather than a campaign of conquest.

With the disastrous termination of the Parthian campaign Antony's hope for supremacy at Rome appears to have ended. Henceforth all his actions indicate that he felt compelled to base his hopes for power on a kingdom in the East, with Egypt as the corner-stone.

Immediately upon Antony's return to Syria, Cleopatra met

[79] *Ibid.*, p. 87.
[80] Vid. *supra*, pp. 125-126.
[81] Oldfather and Canter, *Illinois Studies*, June, 1915, p. 89.

him with supplies for the army.[82] He no longer made any effort to keep his marriage secret, but openly recognized Cleopatra as his wife by declaring their three children legitimate.[83] In addition he granted her the central portion of the Phoenician coast, namely from the Eleutherus River south to the territory of Sidon,[84] the balsam lands of Jericho from the kingdom of Herod, and certain portions from the kingdom of the Nabateans.[85] After these arrangements had been made, Antony returned to Egypt with Cleopatra to spend the winter in Alexandria.

A change in Antony's policy seems clearly evident from this time on. The news of his gifts and of his recognition of his children by the Egyptian queen created, as Antony could well expect, an outspoken feeling against him in Rome.[86] The astute Octavian now adopted a plan whereby Antony would be compelled to disclose his aims. He sent Octavia to Antony with reinforcements and supplies. On reaching Athens she received letters from Antony in which he commanded her to remain there, since he was now in Syria preparing for an expedition against Armenia. Antony, however, did not carry out this intended expedition, but, after he had accepted the gifts which Octavia had brought him, remained in Syria for some time with Cleopatra and finally returned to Alexandria in her company.[87]

Antony had given his answer to Octavian. Heretofore he had made every effort to avoid a break with his colleague. Again and again he had postponed his Parthian expedition in order to maintain his influence at Rome by peaceful means. The repudiation of Octavia is significant, not alone as a challenge to her brother but as an indication that Antony no longer sought popularity at Rome. Octavia was one of the most highly revered women of Roman history. Antony could not but have realized

[82]Plut. *Ant.* 51.

[83]*Ibid.*, 36; Dio, XLIX, 32.

[84]Joseph. *Antiq. Jud.* XV, 4, 12; *Bell. Jud.* I, 18, 5.

[85]The statement that the entire coast from Palestine to Egypt was presented is a mistake of Josephus who is our only source for this gift. Vid. Kromayer, *Hermes*, 29, p. 580.

[86]Dio, XLIX, 32.

[87]*Ibid.* 33; Plut. *Ant.* 53.

the hatred that he would arouse by the insults which he had heaped upon her. When it is remembered that upon popularity with Roman civilians as well as with the soldiery depended to a large extent his success in attaining his goal of supreme power at Rome, this change of attitude appears most significant.

It seems, then, that Antony was determining upon dominion in the Orient at the cost of power at Rome. Once having come to this decision, it is characteristic of the man that he was as zealous in his efforts to antagonize the Romans as before he had been eager to conciliate them. After a successful raid into Armenia for the especial purpose of plunder,[88] Antony placed the crowning insult upon the outraged feelings of the Romans by celebrating a Roman triumph at Alexandria.[89] At this triumph he granted territory to Cleopatra and her children and filled out Egypt to the boundaries of its former power, and this, too, at the price of such Roman territory as Cilicia and portions of Syria. As a further insult to Octavian he proclaimed Caesarion the legal heir of Julius Caesar.[90]

With the defeat of the Parthian expedition, by the success of which Antony had hoped to establish his popularity at Rome, it seems clear that he changed his aim for supreme power at Rome to the hope for a kingdom in the East with Egypt at its head. His open recognition of Cleopatra as his wife by the declaration of their children as legitimate, his large grants of territory to her, his direct answer to Octavian's clever device of sending Octavia to him with troops, his conquest of Armenia and the subsequent addition of that territory, along with portions of the Roman provinces, to Cleopatra's domain, the great triumph which he celebrated at Alexandria, and his recognition of Caesarion as the heir of Julius Caesar, all are evidence that Antony's policy in the Orient was no longer that of a Roman general following in the footsteps of his predecessors in their struggle for supremacy at Rome.

[88]Oros. VI, 19, 4.

[89]Appian, *B. C.* V, 145; Dio, XLIX, 39; Vell. Pat. II, 82; Livy, *Epit.* 131; Tac. *Ann.* II, 3; Plut. *Ant.* 50; Plin. *N. H.* XXXIII, 82; Strabo, XI, 14, 16; Joseph. *Antiq. Jud.* XV, 4, 3.

[90]Plut. *Ant.* 54; *Dio,* XLIX, 41.

BIBLIOGRAPHY

ARNOLD, W. T., *Roman Imperialism,* Manchester, University Press, 1906

ARNOLD, W. T., *Roman Provincial Administration,* Ed. 2, Oxford, B. H. Blackwell, 1906

BEVAN, EDWYN, *House of Seleucus,* London, Edward Arnold, 1902

BOUCHE-LECLERQ, A., *Histoire des Lagides,* Paris, Ernest Leroux, 1906

BROWNE, ROBERT, *The Great Dionysiac Myth,* London, Longmans, Green and Co., 1878

BUDGE, E. A. WALLIS, *Short History of the Egyptian People,* London, J. M. Dent and Sons, 1914

BUERCKLEIN, AUGUST, *Quellen und Chronologie der Römisch-parthischen Feldzüge,* diss., Berlin, 1879

CHAPOT, VICTOR, *Une Province Romaine,* Ed., 2, Paris, E. Bouillon, 1904

Corpus Inscriptionum Latinarum.

DRUMANN, W., *Geschichte Roms,* Koenigsberg, Gebrüder Bornträger, 1837

DURUY, JEAN VICTOR, *History of Rome,* Boston, C. F. Jewett, 1883

FARNELL, LEWIS R., *Cults of the Greek States,* Oxford, Clarendon Press, 1909

FERRERO, GUGLIELMO, *Greatness and Decline of Rome,* New York, Putnam's Sons, 1910

FIRTH, JOHN, *Augustus Caesar,* New York, Putnam's Sons, 1903

FRANK, TENNEY, *Roman Imperialism,* New York, Macmillan Company, 1914

FRAZER, J. G., *Golden Bough,* Ed. III, London, Macmillan Company, 1911

CANTER, LUDWIG, *Die Provinzialverwaltung der Triumvirn,* Diss., Strassburg, 1892

GARDTHAUSEN, VICTOR EMIL, *Augustus and Seine Zeit,* Leipzig, Teubner, 1891

HEAD, BARCLAY, *Historia Nummorum,* Oxford, Clarendon Press, 1887

HENZE, W., *De Civitatibus Liberis quae fuerunt in provinciis populi Romani,* diss., Berlin, 1892

HEREFORD, TRAVERS, *Pharisaism,* New York, Putnam's Sons, 1912

JUDEICH, WALTHER, *Caesar in Orient,* Leipzig, F. A. Brockhaus, 1885

MAHAFFY, J. P., *History of Egypt under the Ptolemaic Dynasty,* London, Methuen and Co., 1899; vol. 6 of the Petrie History Series, 1905, imp. Scribner.

MAHAFFY, J. P., *Greek Life and Thought,* London, Macmillan Company, 1887

MAHAFFY, J. P., *Empire of the Ptolemies,* London, Macmillan Company, 1895

MERIVALE, CHARLES, *History of the Romans,* From the 4th London Edition, New York,, Appleton and Company, 1892

VON MESS, *Caesar,* Leipzig, Theodor Weicher, 1913

MOMMSEN, THEODOR, *Roman History,* New Revised Edition New York, Charles Scribner's Sons, 1895

MORRISON, *Jews under Roman Rule,* Ed. 3, New York, Putnam's Sons, 1891

OLDFATHER, W. A. and CANTER, H. V., *The Defeat of Varus,* Illinois University Studies in the Social Sciences, Vol. IV, 1915

PERSON, E., *Sur l'Administration des Provinces Romaines,* Paris, Ernest Thorin, 1877

PAULY-WISSOWA, *Real-Encyclopädie der classischen Altertumswissenschaft*

RADIN, MAX, *Jews among the Greeks and Romans,* Jewish Publication Company of America, 1915

RAWLINSON, GEORGE, *The Sixth Great Oriental Monarchy,* New York, Dodd, Mead, and Co., 1892

SANDS, PERCY, *Roman Client Princes of the Roman Empire,* Cambridge, University Press, 1908

SHURER, EMIL, *The Jewish People in the Time of Christ,* Ed. 2, New York, Charles Scribner's Sons, 1891

SMITH, GEORGE A., *Jerusalem*, New York, Armstrong and Son, 1908

SMITH, WILLIAM, *A Dictionary of Greek and Roman Biography*, Revised and in part rewritten by Marindin, New York, Appleton and Co., 1894

TRENHOLME, NORMAN M., *Right of Sanctuary in England*, University of Missouri Studies, Vol. II 1903-4

WIEGALL, ARTHUR E. P. BROME, *Life and Times of Cleopatra*, Edinburgh and London, Blackwood and Sons, 1914

UNIVERSITY OF MISSOURI STUDIES

SOCIAL SCIENCE SERIES

VOLUME I

The Clothing Industry in New York, by JESSIE E. POPE, Ph. D., Professor of Economics and Finance. pp. xviii, 340. 1905. $1.25.

VOLUME II

1. **The Social Function of Religious Belief,** by WILLIAM WILSON ELWANG, Ph. D. pp. viii, 100. 1908. $1.00.
2. **The Origin and Early Development of the English Universities to the Close of the Thirteenth Century,** by EARNEST VANCOURT VAUGHN, A. M., Instructor in History. pp. viii, 147. 1908. $1.00.
3. **The Origin of the Werewolf Superstition,** by CAROLINE TAYLOR STEWART, A. M., Ph. D., Assistant Professor of Germanic Languages. pp. iv, 32. 1909.
4. **The Transitional Period, 1788-1789, in the Government of the United States,** by FRANK FLETCHER STEPHENS, Ph. M., Ph. D., Instructor in American History. pp. viii, 126. 1909. $1.00.

VOLUME III

1. **Assyrian Historiography: A Source Study,** by ALBERT TEN EYCK OLMSTEAD, Ph. D., Associate Professor of Ancient History. pp. viii, 65. 1916. $1.00.
2. **Antony's Oriental Policy until the Defeat of the Parthian Expedition,** by LUCILE CRAVEN, Ph. D. pp. xii, 88, 1920. $1.00.

HQ
A167
S7

THE UNIVERSITY OF MISSOURI STUDIES
VOLUME III, NUMBER 3

SOCIAL SCIENCE SERIES
GEORGE LEFEVRE, Editor

CHILDREN BORN OUT OF WEDLOCK

A Sociological Study of Illegitimacy, With Particular Reference to the United States

By

GEORGE B. MANGOLD, Ph. D.

Director of the Missouri School of Social Economy
University of Missouri

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
June, 1921

CHILDREN BORN OUT OF WEDLOCK

THE UNIVERSITY OF MISSOURI STUDIES
VOLUME III, NUMBER 3

SOCIAL SCIENCE SERIES
GEORGE LEFEVRE, Editor

CHILDREN BORN OUT OF WEDLOCK

A Sociological Study of Illegitimacy, With Particular Reference to the United States

By

GEORGE B. MANGOLD, Ph. D.

Director of the Missouri School of Social Economy
University of Missouri

UNIVERSITY OF MISSOURI
COLUMBIA, MISSOURI
June, 1921

Exch
Missouri Univ. Lib.
4-2-1930

CONTENTS

Page

INTRODUCTION 1

BIBLIOGRAPHY 196

INDEX 203

CHAPTER I

ILLEGITIMACY IN THE UNITED STATES 14

CHAPTER II

CAUSES AND CONDITIONS UNDERLYING ILLEGITIMACY 36

CHAPTER III

COMMERCIAL AGENCIES FOR THE CARE OF MOTHERS 80

CHAPTER IV

PHILANTHROPIC AND PUBLIC AGENCIES 92

CHAPTER V

THE OUTCOME FOR THE CHILD 115

CHAPTER VI

AGE OF CONSENT 134

CHAPTER VII

LEGISLATIVE REFORM 145

CHAPTER VIII

PREVENTION 184

PREFACE

During the last twenty-five years two books dealing with Illegitimacy have been written in the English language. Little has been known about the situation in America and social workers until recently have given the subject scant consideration. But times have changed and this problem can no longer be ignored. Realizing this fact investigators in various localities have made short surveys and have contributed to the literature on the subject. In addition to these surveys two valuable studies have been made by the Federal Children's Bureau, one entitled "Illegitimacy Laws of the United States and Certain Foreign Countries," the other, "Illegitimacy as a Child Welfare Problem." Both of these reports present excellent information relating to the problem in the United States. By means of this study the author hopes to increase the interest now manifested in this important question. He is anxious particularly to present information concerning causes and present methods of treatment. A condition which results in almost as many illegitimate children annually as there are divorces is worthy of serious study.

What are we doing to ascertain and interpret the causes of this evil? Are we dealing effectively with mother and child? How about the father? How successful has been our remedial legislation? Have we an adequate preventive program in consideration? These and other questions suggest themselves. We must, therefore, face this problem fearless-

ly, resolve the causes into their individual and social elements as far as possible, and then build up a permanent constructive program.

This book does not pretend to accomplish these ends. It recognizes the need of additional case study and of more conclusive statistics relating to many aspects of the problem. If, however, it can indicate some forward steps, the author will be content. Too long have we waited on each other; too long have we refused to consider impartially the broader human phases of illegitimacy and the attitude which society must take towards the men, women and children involved. Whatever can be done to meet such needs will represent an important gain.

GEORGE B. MANGOLD.

INTRODUCTION

Not until a few years ago was it possible to discuss sex problems in public and before mixed gatherings. The topic of illegitimacy was tabooed and people dared to talk only in whispers about evidence of immorality and vice. Even today such words as "prostitute," "illegitimate," "bastard" and similar expressions can with difficulty find a place in our daily newspapers. Nevertheless, a tremendous change has taken place in the popular mind. Everywhere individuals are beginning to speak more freely on some of these forbidden subjects. Social workers in particular have recognized the need of sound public opinion in order that some advance might be made in the solution of sex problems. Investigations of various kinds have therefore been instituted and a pamphlet literature on illegitimacy and allied topics has begun to accumulate. The great world war has accentuated the problem. In Europe the volume of illegitimacy, as will appear later, is dangerously great; moreover, with the outbreak of the war, motives, impulses and tendencies were liberated which have, no doubt, increased the irregular relations which before were already altogether too common. Our own illegitimacy rate has been rather low and the problem as a whole has not given the social worker much serious concern. However, certain social agencies have been forced to deal with the unmarried mother and her friendless child and have begun to realize the growing gravity of conditions in the United States. Furthermore, the entrance of our country into the great struggle between democracy and autocracy focused the eyes of thousands, who had not thought of the problem before, on the moral dangers which usually accom-

pany the abnormal functioning of so large a proportion of the population. Many social agencies have tried to prepare themselves to meet the new situation and an active campaign has been organized among young women to insure their moral protection.

It is to be hoped that measures of this kind will prevent any considerable increase in the amount of illegitimacy but whatever be the results without doubt attention has been called to this question in so emphatic a way that the lesson will never be forgotten and as a consequence there will develop a new and saner program for the care of the illegitimate child.

In the past the world has always tolerated a double standard of morals. This has especially oppressed the sex that could not defend itself in a contest of physical powers. The male has usually been the aggressive, and the female the passive, sex. Nevertheless, gross deviations by the former from the path of sex rectitude have received but little condemnation, while a slight error of woman has usually been visited with the swiftest and most condign punishment. The original sex standards were largely a man-made product. Woman had but little share in shaping these standards and she accepted them without much protest. Eventually she applied them in most rigid manner and as a consequence the so-called fallen woman has become an outcast while the equally guilty man has remained in good social standing.

Man has long tried to teach woman the beauty of woman's virtue. The old Roman father plunged his knife into his daughter's heart rather than see her virtue stained. Jacob's sons spoiled a city because their sister sold her virtue to Shechem. The ancient German jealously guarded the virtue of his daughters and taught them the lesson of purity; wher-

ever Teutonic ideals have taken root, chastity of woman has become almost as dear as life itself.

Society has always struggled with the self-centered motives of individuals and has found it especially difficult to temper the selfishness of the male. The noble Roman did not shrink at the thought of destroying the virtue of a barbarian's daughter or even of a helpless Roman woman. Israel's sons did not respect the virtue of Canaan's daughters. The German was not as true to his neighbor's daughter as to his own. Had the male applied to himself a small part of the austere morals he demanded of the other sex, our history would tell a different story and our morals would be of different character. But the coercion which man exercised was never matched by a similar coercion from woman, and the standards of today condone in man what they hold unpardonable in woman. The unmarried mother silently bore the burden of her transgressions and as an outcast completed a life full of despair. Few were left to mourn her loss or departure. Her sins had blackened her soul beyond cleansing and no one could afford to suffer the degradation which companionship with her would inevitably impose. Dishonored, she sank into a forgotten grave.

In recent years, however, her claims on life and on human compassion have gradually received a new consideration. Instead of being branded with the scarlet letter on her breast and placed in the pillory on the public square, she has in some cases obtained a second opportunity and, occasionally, fair treatment. In literature, maternity unsanctioned by the law or the church has pleaded for the mercy that ennobles the human breast, and gradually in law the unmarried mother has gained new rights. Sentiment, the supreme court of public opinion, however, has not reversed its decision nor seriously modified its implications and today the forbidden step still leads to human desolation and the wilderness of buried hope.

And yet, not entirely. The dawn of a new day is at hand and is slowly giving way to justice. This movement has compelled men to become introspective. Is not sin equally black whether committed by male or female? Has sin a sex? Is it peculiar to woman? Questions such as these haunt virtuous and socially minded men to whom the unfairness of today makes its invincible appeal, and to whom the bitterness that envelops a betrayed woman's soul engenders a sense of outraged justice. Slowly, men will rise above themselves and say "we too have sinned." Why do we throw stones? Slowly, men begin to see the injustice which ruins one sex but excuses the other. Accordingly, a change is gradually taking place which will not make morality among women less desirable, although a greater opportunity for restoration to society will be given, but which will subject the sexually immoral male to such disgrace and reprobation that the humiliation will act as a powerful deterrent.

In other words, moral standards among women are not to be lowered, but standards among men will rise until the two intersect and a common ground will be reached. The increased rights and opportunities of woman are partly responsible for this movement. When woman was unfit for education, for professional life, for public service, and was used chiefly as a beast of burden, for rearing children and for sex gratification, her rights were precariously few. But the gradual emancipation of woman brings with it not only a release from galling handicaps in industry, science and education, but it also forces a reconsideration of the double standard of morals.

The social wrong of today lies not so much in the severe penalty imposed upon the offending woman, but on the comparative immunity granted the more blameworthy men. The young man falls in love with a virtuous girl; they promise to

marry; she is persuaded to yield her body; he repudiates the woman he has deceived and her maternity is buried in disgrace. She becomes an outcast, his sin is soon forgotten; he marries another woman or ruins some fresh and innocent girl. Is it any wonder that in this age of unrest, when justice is being enthroned, that the women denounce a system which treats them so harshly and relentlessly?

It is evident that public sentiment concerning illegitimacy has been shaped by the operation of several important factors. The female sex must bear the young. Woman must carry the physical evidences of approaching maternity, and cannot hide the evidence of her shame. The finger can always be pointed at her because her guilt cannot remain undiscovered, but the equally guilty man can easily escape, since no one but the unfortunate woman herself knows his identity. Pregnancy and child birth label the woman. Next follows the handicap of caring for the child or the disagreeable task of disposing of it. Illegitimacy, therefore, imposes on woman a special burden and her marriageability, as well as economic and social usefulness, is affected thereby.

Consequently, the natural and almost inevitable effect of illegitimacy has been disgrace to woman. Undoubtedly this result is partly responsible for the high standards applied to women both by themselves and the opposite sex. If immorality is so baneful in its physiological and economic consequences, then it is most unsocial and cannot be too strongly condemned. The physiology of sex is, therefore, one of the natural, but not necessarily persistent, causes of a double standard of morals. The handicaps of a woman with her baby, the comparative immorality, the difficulty in maintaining a livelihood and other correlated conditions have proven a great disadvantage.

The second factor was the physical superiority and greater mobility of man. It was difficult to impose penalties on man as

it was almost impossible to prove paternity; hence, few men would be disgraced and the disgrace that was attached to a man was soon forgotten. He did not carry with him the evidences of his misconduct. People were not constantly reminded of his sin; and therefore an ignorant community soon forgot to associate a certain man with the offense and and its consequences. Or a guilty man might flee to some distant locality and begin life anew without being followed by public knowledge of his misdeeds. Without the physical brand of wrong-doing on his person his escape from responsibility has been comparatively easy.

That the double standard of today is, in part at least, the natural outcome of utilitarian conditions that constantly shape morals is without question. In a society where foresight was slight, solidarity largely absent, and conscious planning in a primitive state, the double standard arose as the inevitable result of the requisites of social survival and individual happiness. Consequently, law and religion both sanctioned the differences that existed in the respective treatment of offending men and women. The disparity of conditions in the twentieth century is a survival of the coercion of the ages. It represents the codified results of past experience and the conservation of a principle that once protected women from the tendency to practice unlawful sex relations.

In the light of history shall we then say that the double standard must remain for all time? Is it not true that the rights and opportunities of women have always been subordinated to those of men? Yet the woman's movement has in less than one hundred years gained for women results more remarkable than had been achieved in all previous history. Has not the superstition that woman must be subordinated and discriminated against been largely destroyed? Has woman not gained the right to education, to a professional career, to voluntary celibacy, to greater freedom of movement, to

greater privileges before the law, and, in some countries, to the right to participate in the affairs of government and to a living wage? Without doubt, the social and political emancipation of women is proceeding at a most rapid rate although the gains are all of comparatively recent time. The difference in standards of morals is evidently a case in sex discrimination and is not the only form of discrimination that has existed. The existence from time immemorial of other differences has not proven their basic or inherent character. In fact, many of these are already destroyed. We cannot, therefore, conclude on the basis of analogy that the double standard of morals is either ineradicable or inevitable. Its social coercion may not be more persuasive than that of other extinct forms of discrimination.

In this age when all forms of injustice are attacked and, if possible, reduced or destroyed, the double standard of morals must submit to a new examination of its merits, and if not based on fundamental conditions of social welfare, its appeal will fail. Illegitimacy must always bear more heavily on women than on men since the fundamental nature of maleness and femaleness necessitates this difference. If the individual effect were the true basis for the moral standard, then the exactions demanded of woman must be more severe than the requirements imposed on men. The social effect however, is the more important influence and must determine standards. Is our social welfare best promoted by a uniform standard or by one that discriminates against woman? Do the factors that once operated to produce a dual standard still continue in force? Or have they been replaced by new considerations? One factor of great importance cannot be passed over without emphasis on its far-reaching influence. It is the power of human passion. Is it equal in the sexes or unequal? If equal, then why the great excess of male immorality? If unequal, is the difference inherent or due to

conditions that can be modified? The author does not propose to offer the last word on this subject. He does insist that it has a tremendous bearing on the problems of a single standard of morals. So-called virtue is of two varieties; that which results in good actions, no temptations to evil being present, and that which overcomes temptation and triumphantly presents the good. To what extent is the virtue of woman a victory of mind over body? To what extent in man? This important question is receiving much attention today, and advanced advocates of social hygiene insist that "sex necessity" is false doctrine and that perfect continence is possible. This argument is, of course, advanced to apply to the great bulk of males, to all except a few who are perverts. That a large proportion of men are moral is undoubtedly true, but the problem relates itself to those, whether a minority or the majority, who have not remained moral. Are they capable of self-restraint? If so, even though it be more difficult than in the case of woman, incontinence can be wiped out and illegitimacy and prostitution eliminated. A higher ideal will inevitably bring severer condemnation on the offending male and a nearer apporach to a uniform standard of morals. Greater self-control, increased capacity for self-control and improved social conditions will surely work in the direction of a single standard of morals.

More and more the welfare of humanity must be expressed in terms of mental joy and satisfaction. With the increasing recognition of woman's right to happiness it depends in greater measure than ever before on high ideals and good morals. In the near future women will not overlook immorality among their male friends and finally marry sexually tainted men. The woman of tomorrow cannot respect the man "with a past." Happy homes cannot be founded on a dual standard. So long as women were ignorant, the menace to the homes was slight, but with the intellectual emanci-

pation of women must come the collapse of the old system and the introduction of an equality which will force men to standards similar to those men have enforced on women.

The highest form of mutual respect cannot exist where dual standards are maintained. Again, the attitude of parents toward children is more wholesome when the parents thoroughly respect each other. Sons will receive better guidance and daughters will be taught to demand clean companions. Wifehood, motherhood and childhood all plead for a uniform level of morals.

Decades must pass, however, before the attitude toward men will be identical with that toward women. But so long as it differs, so long men are logically compelled to regard illegitimacy, immorality and prostitution as tolerable, and their female victims as inevitable sacrifices to the lust of men. Nevertheless, logic does not control and immoral women are reviled and become social outcasts. If the double standard is necessary then these women should receive the respect due to any group that performs a public service.

That the social consequences of illegitimacy are disastrous admits of no serious doubt. That men are more aggressive than women and also more blameworthy is, furthermore, true. From the social point of view, man as the co-partner and aggressor is the greater offender and his condemnation should be the more severe. His actions cannot be extenuated; and a stern standard of morals must be imposed in order that deterrent effects may be realized. Society must make demands proportionate to the conditions. Therefore the standard of morals should bear more heavily on men than on women, although the converse is at present the case.

The sex instinct is present in every normal man and woman. The legal opportunity for that instinct to function should be gained by all persons some time in life; that is, marriage should be within the range of all normal people.

The unmarried, whether men or women, must, to remain moral, restrain their sex impulses. To do this their energies and activities must be directed into other channels and the effect of such diversion must overcome the latent but ever present impulse of sex.

No one has yet informed the world of the width of the gap between the normal impulse in man and in woman. Yet, our whole program of social hygiene, sex education and treatment of sexual offenses depends on the answer of this question. Have we ever stopped to realize the effect on mind and sex impulse of the slush and filth with which a large proportion of young boys are bespattered? Have we ever attempted to weigh the effect of the false ideals taught to our youth, of the "manliness" of sex immorality; of the environment and coercive habits of adolescence and young manhood? Suppose the exact environment of the young girls and women with its ban on the individual right of self-expression, of emotion and sex impulse were imposed on the male sex, what would be the effect?

On the other hand, if our young girls should hear the language and thoughts expressed before the youth of our land would not an awakening of sex consciousness follow, the grave consequences of which would appall the world? Even now we find among the neglected and delinquent girls that appear before our juvenile courts an astounding mass of immorality. Is the girl who lives with her family in a single room, where sex faces her constantly, made sexually precocious, or do her sex instincts slumber on as in the case of many "sheltered" girls? There is the utmost need of an exhaustive case study made by competent persons of one or two thousand young women capable of interpreting themselves and of linking sex instinct with other emotions and impulses. The sexuality of the unmarried woman is hid under a bushel. She dares not disclose it, yet it surely must be

there, and only too often the dread fact of illegitimacy, prostitution or immorality reveals a condition which should have received rational attention instead of being shunned and disdained because of a mock modesty. The woman has yet to appear who will write truthfully and courageously and constructively about her sex and who will open the eyes of the world to the sex life of women. Yet without such knowledge, we cannot meet our problems and solve them. We can only guess and then work in darkness. Nor has the man presented himself who has weighed the innate and acquired sex impulses of man and woman and who has given us an adequate basis for a social program. The physician and physiologists should face this question fearlessly and not for the sake of developing some particular propaganda whether good or bad. The social worker should strive to attain fundamentals. It does not necessarily follow that because a young woman has been corrupted, laws punishing the guilty man should be regarded as a solution of the problem. Nor must we assume that the coarse woman of the street is an original source of corruption and that to punish her solves a problem. The moralist has much to learn about sex life. The time to put on moral blinkers or to ignore facts, after the fashion of the ostrich, has passed. We need to get upon the solid earth, then determine our latitude and ascertain our whereabouts. When the physiologist, the moralist, the law maker and the social worker have properly constructed their fortress of fundamental facts, then the task of destroying the various sexual sins can be undertaken in real earnest and some measure of success will be assured. Much time will elapse before this goal will be attained. Meanwhile, a program of amelioration must be carried out; hope restored to women who are hopeless; and a burden placed on the shoulders of both the man and the woman who are partners in an offense against themselves and a sin against society.

The social consequences of illegitimacy are most disastrous. Both sexes are indispensable to the consummation of the offense. The child is innocent and to penalize him represents a vicarious sacrifice such as is borne by no other group of unfortunates throughout the world. It is a wrong with perhaps no extenuating circumstances. It is impossible to believe that injustice to innocent children is necessary in order to compel men and women to perform their moral obligations and to live morally.

To penalize woman, to disgrace her irretrievably, especially in view of the social responsibility for her downfall, resembles torturing an animal and then punishing it for its writhing. Woman is partly to blame and must bear her part of the burden, but she must not be crushed. Without the hope of moral rehabilitation the human being sinks to the level of brute creation and loses every fine instinct that characterizes her as human. In our theories of penology we have advanced sufficiently to reject entirely punishment for the mere sake of justice, to consider its deterrent qualities of minor importance and to make a program of rehabilitation the chief consideration. Not so, however, in the case of illegitimacy. Punishment is drastic and reform hardly attempted.

As far as they relate to men, our laws are almost helpless and public opinion as expressed in the acts of attorneys, judges and juries still more so. The promotion of social welfare requires equal responsibility of the male with the female for their illegitimate offspring. The past emphasis on moral responsibility does not meet the situation. The blame attached has been so light and society has been so forgiving that deterrent effects have hardly been realized. That public action must produce such effects is unquestioned. Probably results can be most easily achieved by means of enforcing drastic financial responsibility for illegitimate children. The Napoleonic Code prohibits inquiry into the paternity of such chil-

dren and several European countries are still under the spell of this iniquitous point of view. Some American states likewise refuse to attach any responsibility to the putative father. This is most unjust if it is true that men and women should be accorded equal treatment. There should be full inquiry into the paternity of all illegitimate children, and then paternal responsibility should be imposed. The treatment of illegitimacy must be made to accord with the principles that determine our social welfare.

The attitude toward child, mother and father must be fixed by this consideration. All laws and methods of punishment or treatment must be able to answer the question, do they work toward the highest moral and social welfare of society? Judged from this standpoint there can be but little doubt that disabilities placed on children are ineffective deterrents and hardly promote morals. The energetic handling of father and mother, however, should gain results, especially if accomplished in such a manner as will discourage a dual standard of morals and the tradition that girls are the legitimate prey of men anxious to sow a few wild oats. When we will really apply ourselves earnestly and fearlessly to this question we will, no doubt, discover that ignorance and false teaching are such decisive factors that preventive work will soon outstrip corrective work. That will be a happy consummation of our efforts; for it will reduce to a minimum the initial sorrow and suffering as well as the amount of subsequent corrective work. It is toward these ends that the social reformers must bend their energies.

CHAPTER I

ILLEGITIMACY IN THE UNITED STATES

Illegitimacy is less common in the United States than in most of Europe or in the remainder of the civilized world. Nevertheless, this nation cannot afford to blind its eyes to the conditions that exist, nor can it allow them to become gradually worse. It must face the facts and then apply such remedies as will be effectual.

Knowledge of the volume of Illegitimacy in the United States has depended almost entirely upon the development of systems of birth registration. Our vital statistics have been, and still are, grossly inadequate. The need of definite information has not been felt and the usefulness of facts that have been collected has not been adequately appreciated. Most European countries, even the backward nations, know more about the changes and conditions among their population than do the people of the United States. The European habit of gathering facts resulted from a belief in the vitality of statistics; nevertheless, it is doubtful how much has been accomplished thereby. In the United States so little attention has been given to the consideration of various social problems that accurate birth registration as a starting point for a program relating to problems of child welfare has been almost overlooked. Here the registration of deaths and of diseases has but slowly opened the way for other statistics. These phenomena are too important to remain unmeasured and the bulk of our states have fairly accurate mortality statistics. Our decennial census has regularly gathered an unwieldy mass of information including sociological material of considerable importance, but the economic and industrial conditions have generally received first consideration and the maximum of space in the published reports. On the whole the

American people have not demanded facts about the various aspects of their social life, and accordingly the information has not been forthcoming. However, the Federal Children's Bureau and other organizations as well have begun to emphasize this necessity and as a consequence, statistics relating to births, both legitimate and illegitimate, will, in the near future, be gathered in the majority of states.

Early Records of Illegitimacy

The State of Massachusetts was the first American commonwealth to present statistics on illegitimacy, its first figures on the subject being reported for the year 1854. How serious the efforts were to gain complete birth records can hardly be surmised at the present time, but the beginning had at least been made. That the problem of illegitimacy received some consideration is evident from a passage in the Massachusetts report of 1858, according to which a girl aged ten years, eight months and seven days had given birth to a baby boy weighing eight pounds. The baby was born in an almshouse and at eighteen months weighed 37½ pounds. In the same year out of 293 illegitimate births recorded, 75 occurred in three almshouses of the state. For more than forty years Massachusetts annually published the statistics on illegitimacy and for many years it gave figures for various counties, but owing to the gradually growing volume of information presented in registration reports a demand arose for the elimination of the least important statistics. Accordingly, the figures relating to illegitimate births were omitted, the report for 1895 being the last to list them.[1] That this information was not used for practical purposes is quite evi-

[1]Rates may be computed in one of the following ways:

I. Absolute rates, expressed in terms of quantity of the population, or a part thereof. In the group are included:

1. Rate of illegitimacy among a given population. This method of computation is usually unsatisfactory because it does not consider differences in the demographic conditions of social

dent; that the series of facts for Massachusetts should have been interrupted is most unfortunate from the historical standpoint.

Connecticut was one of the earliest states to require the registration of births. As in the case of Massachusetts the state did not at first distinguish the illegitimate from the legitimate births; besides, other valuable information was overlooked. The interest of the physicians in sociological facts,

groups, age, sex, conjugal conditions and race being very important. On the other hand, it is the only method which enables us to estimate the importance of illegitimacy as a problem in any given population.

2. The rate of illegitimacy among a given number of unmarried women of child-bearing age, the age period usually considered being 15 to 45 years. This method is considered the best from a statistical standpoint, because it gives the actual amount of illegitimacy among that part of the population having potentiality for illegitimacy, the rate being the quotient of the number of unmarried mothers divided by the total number of unmarried women 15 to 45 years of age. A still better comparison would consist of the relation of the number of unmarried mothers of each age to the total number of unmarried women at such age.

II. Relative rates, expressing proportions between two variable terms or quantities.

1. The proportion of illegitimate to total, or all, births. This rate is easily secured as it can be computed wherever birth registration is required and births are classified as legitimate or illegitimate. It is not a satisfactory measure of illegitimacy because the conditions controlling the legitimate birth rate are very different from those affecting illegitimate births. If the general birth rate declines then, unless the illegitimate birth rate measured in the same manner as the general rate also declines, the apparent illegitimacy will increase. Nevertheless, this is the method of comparison most frequently used and on account of the facility in computing this proportion, most deductions are based on this rate. If the birth rate is stationary, the results are usually good, but if great reductions have occurred, the comparisons are far from satisfactory.

2. The proportion of illegitimate to legitimate births. This

as well as medical, is apparent from the request made in 1858 by the state medical society that the report on vital statistics be enlarged to include facts relating to still births, illegitimacy, plural births, nativity of parents and colored population. Previous to this time, only the simplest information was gathered and the social significance of more wide-spread knowledge regarding these subjects was not appreciated. The Commissioner's report for the year 1858 contained a few statistics on illegitimacy and all subsequent reports have included this item among the various conditions represented on the

method is almost identical with the preceding one and has similar advantages and disadvantages.

None of these methods of measuring illegitimacy are entirely satisfactory. Although some of them give us an idea of volume or of proportion, they do not show the susceptibility at various ages. The solution of the problem is considerably affected by the rate of illegitimacy among the unmarried women of various specified ages. The statistics, however, are usually lacking to make such a comparison possible. In the United States practically the only figures are the ones relating the illegitimate births to the total number of births. The Children's Bureau, however, has estimated the number of illegitimate births per 1000 unmarried women from 15 to 45 years of age.

The various effects that may be produced depending on the method of computation are well illustrated in the following table taken from the British statistics of illegitimate births in England:

DECLINE OF ILLEGITIMACY IN ENGLAND

YEARS	Illegitimate births per 1000 of all births		Illegitimate births per 1000 of the population		Illegitimate births per 1000 unmarried women 15-45	
	Number	Ratio	Number	Ratio	Number	Ratio
1876-80	47.5	100	1.7	100	14.4	100
1906-10	40.2	84.6	1.1	64.7	8.1	56.3
1911	42.7	89.9	1.0	58.8	8.0	55.4
1915	44.5	93.7	.91	58.3	7.4	51.4

Three methods of comparison are introduced in the foregoing

birth records. Connecticut is, therefore, the only state which has records on illegitimacy covering a period of sixty years or more.

The remaining state which deserves mention is Michigan. Its vital statistics were reported for the first time in 1868, and the distinction between legitimate and illegitimate births was made from the beginning. The state, therefore, has unbroken records for a period of fifty-two years. Apart from these states no statistics of importance dealing with il-

table. Using the five year period 1876-80 as a base we find according to the first method that the proportion of illegitimate to all births has slowly declined and that by 1911 it had fallen 11.1 per cent, a rather small decline. Throughout this period, from 4 to 5 per cent of the births were recorded as illegitimate. Viewed from the standpoint of disabilities affecting children the facts are rather discouraging because the proportion of illegitimacy has fallen so little.

The second method yields more favorable results. It shows that among the English people considered in the aggregate illegitimate births form a constantly decreasing proportion of the population. This is specially important because it implies that illegitimacy is relatively much less serious than formerly. In 1911 there were added to the illegitimate children of England only slightly more than one-half as many per 1000 of the population as in the peried of 1876-80.

The third set of figures throws light on moral conditions in England and yields the most important result of all. It is well known, of course, that the English birth rate has suffered a considerable decline during the thirty-five years covered by the table, but the causes which affect the rate of legitimate births are very different from those influencing the illegitimate births. Consequently, the one may fall and the other rise. In actual practice, both have fallen, but the illegitimate birth rate has declined the more rapidly. Accordingly we find that among the unmarried women of child-bearing age the rate of illegitimacy fell nearly fifty per cent during this period. These figures indicate that moral standards among single women are higher than formerly. It naturally follows that a smaller proportion of single women or of children will be compelled to suffer the social and legal penalties that illegitimacy imposes.

legitimacy were gathered until several years after the beginning of the twentieth century.

It is interesting to observe the figures given by the various state reports. Massachusetts begins with an incredibly low rate of illegitimacy—two-thirds of one per cent of all births—but the rates gradually rose to 2.09 per cent in 1890. Both Connecticut and Michigan reported an average of less than one per cent, but their figures indicate serious fluctuations in the proportions. All of these rates are so low when contrasted with those prevailing in continental Europe that were it not for the confirmation that is afforded by later statistics in these states their value might be seriously impaired. Nevertheless, measured in terms of percentage of increase, great changes have occurred. Massachusetts tripled its rate betwen 1854 and 1890, while the other two states also showed considerable increase. There can be no doubt that much of this increase is only apparent and is really due to a more nearly complete registration of illegitimacy. That these statistics are not haphazard, however, is indicated by the fact that the various counties in Massachusetts reported widely contrasting rates. For example, in 1878 Suffolk County recorded a rate of 3.1% and in 1890 of 5.3% or more than twice the average for the entire state. On the other hand, the rates for Middlesex County seem to have been consistently lower than those generally prevailing throughout the state. The Boston statistics were exceedingly noteworthy. In 1887, 730 illegitimate births were recorded, and in addition 90 of unknown parentage. This constitutes a rate at least three times as high as that for the state at large. But in 1891 the recorded cases numbered 654 and in 1892 they fell to 433. What remarkable social change reduced the illegitimate births more than 200 in one year?

The figures for Michigan also indicate an attempt to report the facts truthfully. This conclusion becomes apparent in studying the percentage of illegitimacy discovered among mulattoes and negroes. For example, the statistics of 1890

show that the reported rate for white persons was .81 per cent while the rate among mulattoes was 4.21 per cent and among negroes 4.52 per cent. According to these figures illegitimacy was five times as common among negroes as among whites. The recent statistics tend to throw additional light on these differences.

Present Conditions

The desire to promote social welfare has resulted in a movement toward the systematic registration of births. A "birth registration" area is gradually developing and many states have enacted, and are enforcing, laws requiring the registration of births. These records are in most cases as inclusive as required by the standard registration certificate, unless the facts relating to illegitimacy are ruled out. In spite of the large number of states that now have legally provided for a system of birth records and for annual reports covering their vital statistics only a few have published figures on illegitimacy.

However the Federal Bureau of the Census has made use of the available material and in its annual reports on Birth Statistics presents such figures as it has been able to collect. The following table gives the proportion of illegitimate births for the years 1917 and 1918:[2]

[2]Bureau of the Census. Birth Statistics. 1917 and 1918.

Percentage of Total Births Reported Illegitimate

AREA	Percentage illegitimate	
	1917	1918
Registration area	1.79	1.67
Connecticut	.98	1.1
Indiana	1.31	1.21
Kansas	.71.	.63
Kentucky	1.45	1.24
Maine	.97	.84
Maryland	4.62	4.57
Massachusetts	.84	.72
Michigan	1.24	1.24
Minnesota	1.61	1.56
New Hampshire	1.09	1.30
New York	1.22	.90
North Carolina	4.92	4.53
Ohio	1.25	1.26
Pennsylvania	1.78	1.80
Rhode Island	1.42	.84
Utah	.72	.85
Vermont	1.23	1.27
Virginia	5.35	5.07
Washington	.94	.85
Wisconsin	1.20	1.19

Illegitimacy According to Race and Nationality

RACE & NATIONALITY	Per cent of births illegitimate	
	1917	1918
White	1.23	1.13
White of native parents	1.52	1.40
White, mother foreign born	.53	.45
White, mother Italian	.19	.15
White, mother Polish	.55	.49
White, mother British	.83	.65
White, mother Irish	1.21	.95
White, mother German	.80	.55
Negro	11.94	11.10

According to these tables the only states with an illegitimacy rate higher than two per cent of the total births are those having a considerable negro population. However, less than one-half of the states are represented and conditions may be different in some of them; for example, the vital statistics of Missouri show that in 1917 the recorded rate of illegitimacy was 2.4%. Less than five per cent of the population of the state is negro. No doubt the complete facts, if they could be obtained for the various states would reveal a much larger amount of illegitimacy than is indicated above. Cases of unknown legitimacy are excluded although special

investigations of such cases have shown that a large proportion are illegitimate.

The facts collected by the federal Children's Bureau indicate many deviations from the figures in the table, some of them being of considerable importance. In most cases the rates exceed those given in the census report. Statistics based on original records studied show a percentage of illegitimacy in Massachusetts of 2.3 instead of less than one-half of this figure as reported in the table prepared by the Bureau of the Census. There can be no doubt that intensive investigation will reveal a much larger amount of illegitimacy than the tables indicate.

Some interesting facts relating to the number of illegitimate births in various cities are shown in the following table and deserve comparison with those for the states mentioned above. In several instances still births are not excluded but the difference in percentage caused by their inclusion is very slight.[3]

[3]Except as otherwise indicated these figures are based on information obtained from state and local health reports and through correspondence.

ILLEGITIMATE BIRTHS IN CITIES

CITY	DATE	Percentage of total births reported illegitimate
Johnstown, Pa.	1912	2.2
Boston	1915	4.0
Buffalo	1917	2.5
Chicago	1915	5.0 (estimate)
Cincinnati*	1915	3.8
Cleveland	1915	2.26
Detroit	1914	3.9
Denver*	1917	3.6
Kansas City	1918	8.2
Milwaukee (Co.)	1915	2.3
Milwaukee (City)*	1917	2.6
Minneapolis*	1917	4.0
New. York*	1917	1.0
Philadelphia	1915	
White		2.9
Colored		17.7
Pittsburgh	1915	3.1
St. Paul*	1917	5.0
St. Louis	1913	
White		4.2
Colored		16.9
St. Louis	1920	4.8
Washington*	1917	
White		2.3
Colored		18.8

In the cities also the percentage of illegitimacy is much greater than that indicated by published figures. In most instances when the legitimacy is officially unknown, as in the case of foundlings, the child actually is illegitimate. Again, every effort is made to conceal the unwelcome facts and to report the child as legitimate if possible. In the third place, the births of many babies are not reported at all.

The excess of illegitimate births in the cities over the rates

*Figures taken from Report of Federal Children's Bureau—"Illegitimacy as a Child Welfare Problem." p. 25.

for the states as a whole is partly due to the tendency of women to migrate from the rural districts and small towns to the cities to conceal, if possible, from neighbors and friends, the fact of their condition.

The wide difference in the rates among white and colored is indisputable. No refinement of the statistics can bridge the gap between the two. Investigation has disclosed the fact that few colored women migrate to or from the cities for confinement. The reputed rates, therefore, reflect quite accurately the ascertained illegitimacy in a city or state. Accordingly, the figures showing that more than eighteen per cent of the colored births in Washington and sixteen per cent of those in St. Louis are illegitimate represent no over-statement of the prevailing immorality. So large a proportion seems almost unbelievable, but it must not be forgotten that less than sixty years ago the family life of the negro was in the crudest state and marriage was almost without official sanction. Centuries have been required to ennoble family life among the Europeans. We must, therefore, consider that half a century of freedom for the negro can only serve as an introduction for him. Nevertheless, illegitimacy in certain parts of Europe is as frequent as the rates given for the negro in the three cities for which figures are quoted. While the low morality prevailing among the negroes cannot be overlooked, it can, in part at least, be explained and a frank historical view of the evolution of the negro will not result in too violent a denunciation of his morals. In fact, the white race has assisted in schooling the negro in the very practices which lead to illegitimacy.

Our American statistics convey a little information in regard to the comparative illegitimacy among the native and foreign born white. According to the foregoing table the rate per 1000 births is three times as high among native mothers than among the foreign born. Furthermore, these rates are much lower than those prevailing in Europe. Although Italy has a much higher rate than Ireland the Irish immigrants yield many times the proportion indicated for the Italian immigrant.

Direct evidence in favor of the foreign born is afforded also by the investigations of the Federal Children's Bureau. In Johnstown, Pennsylvania, it was discovered that in 1911 among 860 native mothers the rate of illegitimacy was 3.7 per cent, while among 691 foreign mothers it was only .3 per cent, which represents two illegitimate births.[4]

The figures for Philadelphia are less favorable. In 1915 out of 811 white unmarried mothers, 220, or more than one-fourth, were foreign born. This is a larger percentage than the proportion which foreign born single women fifteen years of age or over form of the entire group of single women. This fact, however, does not alone determine the absolute validity of the comparison. If the proper corrections could be made the results might vary somewhat although it is not likely that the rates would differ widely. But several nationalities are rather heavily represented chief among which are natives of Ireland, Russia, Austria and Hungary. These include three-fourths of the total number of foreign born unmarried mothers.

While some of the figures indicate that the rates among the foreign born are lower than among the natives the evidence in conflicting. General conditions cannot be kown without additional information. The fact that illegitimacy is much more common in Europe than in the United States seems rather inconsistent with the few figures given above. If the illegitimacy among immigrants is so much less than among inhabitants of the countries from which they come then it is clear that all-pervading social causes lie at the base of this condition; for it is unthinkable that only the highest moral types emigrate to the United States. Although the facts for our immigrant population are not sufficiently known to justify generalizations as to the tremendous differences between the rates in Europe and the rates here, nevertheless they furnish strong presumption that

[4]Children's Bureau—Infant Mortality, Bureau Publication No. 9, p. 49.

neither mental nor physiological conditions are largely responsible.

Heredity and innate tendencies cannot be charged with the blame but social conditions must be responsible for the differences. If the same people have a high rate of illegitimacy abroad and a very low rate in the United States, the fact indicates that wholesome influences are at work here to prevent immorality and that foreign countries have failed utterly to solve the problem.

The scattered statistics of illegitimacy in the United States do not furnish sufficient information to enable the writer to estimate its volume. At best it is only possible to point out that the observed rates among the colored people are very high and that these occur in the cities in which the negro population is to some extent an immigrant population. It would not be surprising to find a much higher rate in certain cities of the South, and in those sections where the customs prevalent in slavery days have not died out. Among the 250,000 to 300,000 births among negroes every year a rate of 12 to 20 per cent of illegitimacy would account for from approximately 35,000 to 55,000 illegitimate births annually.

The statistics for the white population are not representative of the country as a whole. In certain backward sections to which modern vital statistics have not penetrated there is undoubtedly a much higher rate than that prevailing in the states whose records are given. The differences noted among the various states and the differences between city and country districts and between differently situated cities make an estimate of the annual number of white illegitimate births very difficult. The large numbers, however, that constantly occur in the big cities challenge the reformer and compel attention. That there are thousands every year is clearly apparent. The tendency to conceal the fact of illegitimacy, no doubt, results in an incorrect report in hundreds of cases and, therefore, the actual number of illegitimate births is much larger than the recorded rate. At no time have the American figures given a complete statement of

the facts and while statistics seems to show little change in the proportion of illegitimacy the apparent increase over the earlier figures may be due largely to greater accuracy in the compilation of the statistics. Nevertheless, there are indications that the burden of illegitimacy is actually increasing.

The Children's Bureau has attempted to estimate the number of cases and according to one computation places the illegitimate white births as approximately 32,400 annually, but this figure implies an illegitimate birth rate of not more than one and one-half per cent, while many believe that the rate is considerably higher.[5] In fact private investigations made in various cities have almost invariably disclosed a higher rate of illegitimacy than that indicated from the public statistics. However, by another method the Bureau reaches a total of 35,100 illegitimate births.[6]

[5]Children's Bureau. "Illegitimacy as a Child Welfare Problem." p. 26.

[6]In order to contrast the situation in the United States with that existing in European countries the following table is presented:

RATE OF ILLEGITIMACY IN EUROPE

COUNTRY	Rates per 100 births*				Rates per 1000 unmarried women 15-45***		
	1870	1889	1910	1910-14**	1880	1890-92	1900-02
Austria	13.1	14.7	13.7	11.9	43.4	42.7	40.1
Sweden	10.4	10.1	10.8	15.1	.....	.....	.....
Germany	10.1	9.1 (90)	9.1	9.4	29.6	28.7	27.4
Norway	8.5	7.4	7.3	6.9	19.7	16.9	17.2
Italy	6.4	7.3	5.1	4.8	25.4	.....	19.4
Switzerland	.....	4.7	4.3	4.7	10.8	10.0	9.8
France	7.5	8.4	10.2	8.7	17.6	17.7	19.1
Australia	.....	.....	.....	.....	14.5	15.9	13.2
Netherlands	.....	.....	.....	2.1	9.7	9.0	6.9
England & Wales	5.6	4.6	4.8	4.2	14.1	10.5	8.5
Ireland	2.7	2.8	2.6	2.8	4.4	3.9	3.8
Servia	.....	.....	1.3 (06-10)	.....	.....	.....	.....

*Figures for 1870 and 1889 from Leffingwell's "Illegitimacy"; for 1910 from Borosini, in Journal of the American Institute of Criminal Law and Criminology, July, 1913.

**Figures from Illegitimacy as a Child Welfare Problem—by Federal Children's Bureau.

***Figures relating to births per 1000 unmarried women from Seventy-third Annual Report of Registrar-General of Births, Deaths and Marriages in England and Wales.

These rates indicate an appalling amount of illegitimacy. In Europe before the war there were probably about 600,000 illegitimate births annually. Germany led with about 180,000. Austria-Hungary followed with 120,000. Then came France with 75,000 or more, while Great Britain with less than one-half of the population of the United States has at least 50,000 annually, probably more than the illegitimate births among the white population in this country. European countries as a whole with but few exceptions exhibit rates several times as high as those prevailing here.

An apparent increase in illegitimacy may also be due in part to the declining birth rates. The rate of illegitimacy which we have used is rather a relative figure, therefore, in spite of a larger percentage of illegitimate births than formerly, the number of such births per 1000 unmarried women of child bearing age may not have increased much and perhaps has shown but little change. Adequate statistics to verify these questions are lacking, however. Nevertheless, the problem is a menacing one and the greater promptness in developing a complete program of care and prevention, the better it will be for our young women and for the morals of our people.

Common Law Marriage

The subject is further complicated by the acceptance of the common law marriage system. In about three-fourths of the states a man and a woman may live together, call themselves husband and wife, bring children into the world and undergo all the vicissitudes of family life. If they make this arrangement a permanent union they are not particularly subject to reproach, but it is precisely this condition of permanency which a large proportion of the men involved, and some of the women as well, wish to avoid. Many men deceive women by perfecting a temporary relationship which the latter consider a sincere union, but which the men regard simply as an opportunity for promiscuous living. They are willing fathers only when the child is conceived and not when responsibility for its care is imminent. Accordingly, many so-called common law marriages are a mere subterfuge for a life of irregularity and unsanctioned sex relations. When the baby comes the family frequently has trouble and when the birth certificate is prepared by the physician or midwife, the mother admits the irregularity of her marital relations and the child is recorded as illegitimate. Furthermore, the child is neglected and suffers the conditions of life frequently imposed on the illegitimate. The children of a common law marriage,

therefore, comprise a serious problem, but one whose magnitude cannot be statistically ascertained.

It would be most helpful to society if the births resulting from common law marriages could be recorded in some uniform manner instead of being distributed between legitimate and illegitimate births as they now are. Reformers could then view the problem in clearer perspective and it would hasten the day when this great source of immorality would be removed.

Previous Sex Irregularity

To what extent unlawful motherhood is the culmination of a sudden fall from virtue, or how far it represents the results of long continued vice are questions to which no accurate answers can be given. That many of these young women are diseased is, however, indicated by the fact that the mortality of illegitimate infants is so largely accentuated by the presence of social disease. The few statistics available for mothers show much disease among them. Maternity hospitals find that a considerable number of the girls are suffering either from gonorrhea or syphilis. Seldom are these diseases innocently acquired and in most cases they follow frequent sex experience. Out of eighty-four women studied in Boston, sixty-three had been previously immoral, and of these, about 20 per cent had previously given birth to illegitimate children. In St. Louis in 1911-12, out of 806 unmarried mothers under twenty-one years of age, forty-five had previously given birth to a child. However, twenty-six of the number were negroes among whom maturity arrives somewhat earlier than among the whites. Nevertheless, one white woman, an "actress," was three times a mother before she reached the age of twenty-one. The percentage of unmarried mothers of all ages who had previously borne a child was approximately fifteen. Among these were older women, some of whom were widowed, divorced or deserted. Several instances

were recorded of entire families of illegitimate children, every baby having a different father.

The published figures relating to unmarried mothers handled by the state infirmary of Massachusetts in 1917 give the following facts:

Seventy-four prospective mothers were accepted for confinement; in fifty-four cases it was the first child; in fifteen the second, in several it represented the third or fourth confinement and in two cases the fifth. The figures, however, are not typical for unmarried mothers as a whole, since the infirmary cases are largely limited to persons of low standards, chronic poverty and persistent immorality. This is further illustrated by the fact that out of sixty-four married women accepted by the infirmary for care fifteen were pregnant for illegitimate children.[7]

The proportion of women who have previously had children does not represent the percentage of previous sex irregularity. The Boston cases for which information was secured indicate that four-fifths of the women had practiced immorality. In Philadelphia out of 290 women information was obtained for 131. Of this number only sixty were classed as "otherwise moral," while seventy-one had a record of previous immorality.[8]

Migration of Mothers

A factor of considerable importance in the reorganization of our methods of treating illegitimacy is the migration of mothers from country to city and between cities. So serious a condition is this in the United States that our computed rates of illegitimacy are rendered quite inaccurate.

[7]Thirty-Ninth Annual Report of the State Board of Charity of Mass. 1917.

[8]Report of the Municipal Court of Philadelphia. 1915.

The following statistics are an indication of the facts:

RESIDENCE OF MOTHERS*

	Number cases	Per cent residing in City	State but Outside City	Other states
St. Louis	1971	62.6	15.9	21.5
Boston	809	58.3	35.1	6.6
Milwaukee	1660	70.1	29.9	.....*

*Included under "State but outside city."

It appears that the cities vary widely as to the probable residence of mothers. St. Louis receives nearly two-fifths of the total number from localities outside the city. Furthermore, one-fifth come from other states. A large number of cases are also sent from districts within the state; and if these are added to the local cases we find that nearly four-fifths of the entire number belong to the state and depend for their disposition on its laws. The figures for Boston indicate that a larger proportion than in St. Louis come from outside the city, but comparatively few are sent from neighboring states. The tendency toward migration to Milwaukee is less pronounced than in the case of the other two cities, but all of them receive a large number of unfortunate girls from the outside. In a similar way many girls, especially from the so-called better class, leave the cities of their residence to hide their shame from friends and relatives and are confined in hospitals or homes elsewhere. In the rural districts and small towns the pressure is probably more severe and if marriage does not follow the discovery of prospective parenthood, many girls are driven from their homes by irate and unsympathetic

*Statistics taken from "Illegitimate Births in St. Louis," by Mangold and Essex; Report of the Wisconsin Vice Committee; and Studies of Boston Conference on Illegitimacy.

parents only to find their way into the large cities where the maternity homes or hospitals minister to their needs. In many cities pregnant unmarried women apparently without a home often wander about for a considerable time before confinement. Many of these are non-residents, forced to leave their homes and pushed in the cities where they swell the aggregate of illegitimate births occurring there. Such young women often go long distances; for example, girls from Texas and Virginia have come all the way to St. Louis to be confined.

There is little migration among colored girls, partly because the shame attached to illegitimacy is not so great as to ruin the life of the offending individual; and among the foreign born there are few opportunities to hide disgrace owing to difficulties in finding places to which girls may be sent.

Places of Confinement

The great majority of illegitimate babies are born in hospitals or maternity homes. Perhaps this fact will simplify the control and treatment of mothers when adequate machinery for this purpose has been instituted. A study of fifteen hospitals and homes in Chicago shows that about 1350 illegitimate births occurred in these institutions in a single year.[10] In addition there are other hospitals that handle cases of illegitimacy. The sum total reaches a figure considerably above 2000 and this represents by far the larger proportion of illegitimate births in the city.

Out of 666 cases in Cincinnati only 15.6 per cent of the births occurred outside of hospitals or institutions. In Boston eighty per cent of the 858 illegitimate births in 1913 occurred in the hospitals and the remainder in tenements and lodging houses. In Milwaukee in 1913, fifty-nine per cent of the confinements of unmarried mothers occurred in hospitals. Some-

[10]Moore, Howard, "The Care of Illegitimate Children in Chicago."

what more definite than these figures are those collected for the city of St. Louis, covering the three years 1911-13.[11] They are presented in the following table:

PLACE OF CONFINEMENT

	Number	Per cent
Hospital	1244	59.8
Commercial Maternity House	210	10.0
Private House	583	28.0
Not tabulated	9	.45
Foundlings	36	1.75
TOTAL	2082	100.00

An analysis of these statistics shows that nearly 70 per cent of the total number of women were confined in institutions of some sort. The benevolent institutions include the City Hospital, Salvation Army Rescue Home, and several foundling homes. Driven from home, the unfortunate girl is often compelled to enter an institution at an earlier stage of pregnancy than the married woman and, therefore, the cost of maintenance at the hospital is greater. Frequently, this cost is partly defrayed in service, since otherwise opportunities would not open for the institutional care of the unmarried mothers.

Although the figures credit commercial maternity homes with only 10 per cent of the confinements it is probable that the proportion is much larger. That many births are not reported, or reported as legitimate, and that abortions are frequently performed, is certain. The statistics of unmarried pregnant women would tell a very different story from the figures relating to illegitimacy. A large proportion of the

[11]Mangold and Essex, "Illegitimate Births in St. Louis." p. 19.

patrons of maternity homes are girls from outside the city or well-to-do women from within.

Probably most foundlings are born in some private house, although a few are abandoned babies taken from commercial institutions. If so, nearly 30 per cent of the illegitimate births occurred at some private house or home. In these cases the mothers are residents of St. Louis and usually have relatives or friends to minister to their needs. Many of these are older women who have become fixed in a life of immorality and have lost the modesty that still becomes the younger woman.

CHAPTER II

CAUSES AND CONDITIONS UNDERLYING ILLEGITIMACY

Illegitimacy is a product of extra-conjugal sex relations and its causes are identical with the causes of such relations. If in the British West Indies and parts of South America and probably other localities more than one-half of all births are illegitimate, we must assume that family life in these localities is largely absent, and that promiscuous sex relations are normal conditions. Here the causes of illegitimacy lie in the primitive nature of the civilization, the low standards of the people and their unbridled sex impulses. These conditions, however, are not at all typical of European races or their descendants and, therefore, throw no light on the nature of the problem that faces us today.

Special Causes Affecting Europe

In Europe, too, we have conditions that cannot be compared with ours. In most countries the rate of illegitimacy is at least twice that of American cities and in several it is five or six times as high.[12] At once it is clear that such a cause as low mentality must be relatively a minor factor and that other dominant and overshadowing causes must exist. Many years ago Dr. Leffingwell enumerated the principal factors influencing the rates of illegitimacy as follows:

1. Religion
2. Legislation and legal impediments to marriage
3. Heredity, or the influence of race and ancestry.

He said further—"Differences in the annual prevalence of illegitimacy in different localities or sections of the same country are so marked and so persistent, that only by the hy-

[12]Illegitimacy, p. 86.

pothesis of hereditary influence can we at present account for them."

In the light of recent studies the argument concerning heredity must be almost entirely remodeled and restated. It has become comparatively clear that it is only as hereditary conditions take the form of feeble-mindedness that they assume any considerable influence; and then it is the weak will, not hereditary immorality, that produces the results. The meager American statistics relating to illegitimacy among the foreign born indicate that here the prevalent rate is lower than among the native whites; and while the argument from these facts is not conclusive it does indicate that probably the hereditary factor, apart from weak mentality, is a negligible quantity.

It is true, on the other hand, that different sections of various European countries have persistently maintained dissimilar rates of illegitimacy. North and South England are not alike; the various German states have each their typical rates and in other countries similar variations occur. To account for these differences on the basis of heredity is to maintain that serious innate differences in sex impulse exist among these closely allied branches and subdivisions of the white race. That inordinate sexual desire may and does run in families can hardly be doubted, but it must be questioned whether such families are proportionately much more numerous in one part of England or of Germany than in another. Feeble-mindedness may, indeed, be far from uniform in the different countries but governmental and social agencies are probably chiefly responsible for such differences; and variations in illegitimacy based on variations in the proportion of feeble-mindedness should logically be charged against this defect.

In Europe the customs and ideals of the people vary so much from each other and the provincialism of different sections of a nation is so marked that these factors must act powerfully on the rate of illegitimacy. It is not so long since that sex irregularity between intimate members of the op-

posite sex was very common in France. Even "good" literature did not condemn it. Sex relations between betrothed individuals were in some localities, especially in Germany, almost universal. Wherever experimentation in the fecundity of a certain combination is viewed with complacency, if not approval; wherever pre-nuptial relations following the betrothal of a couple are differentiated from ordinary sex irregularity, and the betrothal is nearly as sacred as the marriage tie, there a high rate of illegitimacy will occur. Where men must remain unmarried while they are engaged in military service and that service continues for a considerable period, such as three years or more, betrothals may be expected, likewise illegitimate children. These, however, are likely to be legitimated later on, but in some cases, as in England, marriage subsequent to the birth of the baby cannot make the child legitimate and it will always be classified as a bastard.[13]

[13]The extent to which pre-nuptial relations exist is not definitely known. However, a few facts relating to them have been obtained. An examination by J. W. Nixon of the Australian vital statistics shows that in the three years 1910-12, twenty thousand six hundred and ninety-one illegitimate births occurred and eighteen thousand three hundred and eighty-five births during the first six months of marriage. Were the latter group to be classed as illegitimate then the rate based on the number of unmarried women fifteen to forty-five years of age plus one-half of the women married during the year would rise from 11.6 to 21.13 per 1000, or nearly twice the actual rate.* The number of births among the unmarried women is only slightly larger than the number after marriage but conceived before. In Australia children born within wedlock are regarded as legitimate, hence the former figure denotes the rate of illegitimacy. Among many Teutonic peoples ante-nuptial sex relations are deliberate attempts to determine the probable fertility of a proposed union and marriage naturally follows. Pregnancy does not create prejudice but insures marriage. In fact, the pre-nuptial condition is in a sense a trial marriage. Bailey quotes statistics showing that in Berlin, ten per cent of all legitimate children and forty per cent of all first born were conceived before marriage; that in twenty-nine per cent of the marriages fertility was assured before the marriages occurred and that about

The great difference between comparatively adjacent communities in economic and social conditions is certainly an important factor. The presence of an abnormally large group of unmarried women has been shown to coincide with a high rate of illegitimacy unless neutralized by other factors. A low age of marriage tends to prevent illegitimacy. The extraordinary conditions in Ireland are partly due to this fact. Delay in marriage stimulates extra-conjugal sex relations, and where a considerable group seem destined to celibacy either because of a disproportion between the sexes or because of unfavorable economic conditions or legal obstacles, much illegitimacy is to be expected.

Again, laws requiring civil marriage and legislation imposing restriction on marriage are sure to produce similar effects. Townley-Fullam shows, for example, that an illegitimacy rate of over 52 per cent among Poles (mostly Polish Jews) in Buda-Pesth really means that the civil law has not been followed, but the Mosaic code has.[14] Accordingly, the children are classed as illegitimate; yet before 1895 the Jewish marriage rites were recognized and such births were regarded as legitimate.

Undue restrictions whether by law or by public opinion cause sex impulse to break through the bounds recognized by the conventions of society. "Before you marry have a house wherein to tarry," seems to be excellent advice, and if followed should promote higher standards of living, but in any locality or among any group or class where this goal is attained only with great difficulty, immorality will surely develop ex-

twenty-five per cent of all births in Berlin are conceived outside of matrimony.**

*Journal of the Royal Statistical Society, Vol. 77, p. 853. July, 1914.
**Modern Social Conditions. p. 122.

[14]Forum, Vol. 50, pp. 619-630.

ceptional proportions, or substitutes for civil marriage will be introduced.

The so-called common law marriage which consisted in merely living together and recognizing each other as husband and wife was formerly tolerated by the Catholic Church and was likewise accepted by the early Protestants. In England this institution seems to have projected itself from the Middle Ages into modern times and was not legally abolished until the year 1753. On the continent such voluntary unauthorized unions are not generally recognized and the issue of such unions is regarded as illegitimate. Nevertheless, thousands of families are founded on just so insecure a basis as this. Husband and wife expect to live together permanently and actually do after several children have been born into the home if no previous dissensions have occurred. If separation takes place it is usually after a comparatively brief "married" life.

Apart from the factors discussed there are undoubtedly a group of causes that have given us a minimum or marginal rate of illegitimacy and operate everywhere, but the wide variations among localities are largely due to peculiar differences in the social conditions of the people. The characteristic differences that occur among the various countries or communities of Europe are due largely to the following causes:

Toleration of pre-marital sex relations.

Marriage laws that result in common-law marriages.

Marriage customs of various races and peoples.

Increase in age of marriage and decline in proportion of married.

Excess of marriageable females.

Here in the United States, where the rates of illegitimacy are much lower than in most of Europe, and in the British Isles, the causes are not confused to any extent by peculiar customs that partly condone illegitimacy. Here, it is the product of improper or immoral sex relations, and the principal

question requiring an answer is, why do individuals, especially women, yield to or solicit such forms of immorality?

Low Mentality

It is the belief of the writer that ignorance and low ideals are the chief causes of illegitimacy. Ignorance is represented in various ways. In the first place it is the weakness of the feeble-minded girl. The various English investigations, the minority report of the Poor Law Commission, the American studies by Goddard and Jean Weidensall, the investigations by the Children's Bureau of mental defectives in the District of Columbia, and the experience of maternity hospitals and child caring agencies all attest to this important fact. A large number of illegitimate children have feeble-minded mothers. Mental defectiveness is probably the most important single cause, and the reasons are not far to seek. In every community there are a number of women whose physiological age has far outstripped their mental age. From 18 to 25 they are in their physical prime and are exceedingly attractive to the opposite sex. Mentally, however, they are still children and always will be. Their sex impulses are governed by the age of physical maturity. Their powers of inhibition and their moral comprehension depend on such control as can be exercised by a mind of eight or ten; by a child mind incapable of realizing the necessity of our accepted moral and social standards. Weak mind and weak will clothed in mature and attractive bodies, therefore succumb to the tempter or deceiver and before long the young woman may herself ensnare her male acquaintances. Sex impulse, when the control thereof has once been lost in a person (man or woman) of weak will, is almost unconquerable. It leads the young girl into the juvenile court and sends her to the reformatory. It drives the older girl into prostitution or imposes on her the burden of unlawful motherhood. It also makes seduction and betrayal easier, because the woman cannot summon the mental

power to protect herself. It is not the imbecile woman but the moron who is to be feared. The former is likely to be sent to an institution, the latter not only remains at large, but is probably able to maintain herself as long as times are prosperous and adversity does not test her mind and morals. When she breaks down her fate is wrongly interpreted.

That feeble-mindedness is a large factor in the problem of illegitimacy can not be doubted. It does not necessarily follow that a girl has really become immoral when she has been found guilty of sex irregularity. Only too often she fails to understand fully or even to a considerable degree, the seriousness of her offense. Then again the girl brought up with low standards of morals, if she is also a moron or a high grade imbecile, will easily fall because of lack of will power and native resolution rather than because she is wilfully immoral.

In this day when there is a decided tendency among representatives of the so-called eugenists to declare a large proportion of the population feeble-minded it is necessary to be cautious in connecting illegitimacy with feeble-mindedness. The development of a system of mental tests has resulted in classifying as feeble-minded all of those unable to meet these tests. Accordingly, an enormous proportion of the delinquent girls, prostitutes, criminal men, etc., are classified as feeble-minded. At the National Conference of Charities and Corrections in 1915, one field worker seriously announced that her investigations had shown that 98 per cent of the unmarried mothers were feeble-minded.

Until a greater degree of accuracy appears among this class of investigators, and until a more definite line of cleavage between the normal and feeble-minded can be established, the proportion of feeble-minded which they discover in a community has only moderate value. Goddard, in his study of feeble-mindedness, has had occasion to examine the ancestry of a considerable number of illegitimate feeble-minded chil-

dren.[15] He was able to classify 278 feeble-minded persons according to the probable source of their defect. He grouped causal conditions under the heads, "hereditary", "probably hereditary", "neuropathic", "accident", and "no cause", meaning cause unknown, and then prepared a table of expectation which shows how large a proportion of a given number of cases should fall within each separate group. According to his computation, 60 per cent of the causes are unquestionably hereditary and 10 per cent are probably so; while the remainder are distributed as to cause among other groups. He next studied the feeble-minded who were illegitimate and their ancestry and classified the causes of their feeble-mindedness so as to compare the results with his table of expectation. According to this computation, 98 per cent of the total number fell into the hereditary group and 4 per cent into the "probably hereditary" class. If these proportions are correct, almost the entire number seem to have inherited their weak-mindedness. The table of expectation shows that the proportion in the two groups should have been no larger than 70 per cent. Consequently, it appears that they furnished nearly 40 per cent more illegitimate children than should be expected. On the other hand, the "neuropathic" and "accidental cause" groups furnished less than their quota. That hereditary feeble-mindedness is a serious causal factor in respect to the prevalance of illegitimacy certainly seems to be indicated by the foregoing facts.

The relation of low mentality to illegitimacy has been given additional emphasis in the recent study made by the Virginia State Board of Charities and Corrections. One of the degenerate families investigated shows a continuous record of feeble-mindedness. The Board, in describing the living conditions of certain members says:[16]

[15]Goddard, H. H.,—"Feeble-Mindedness: its Causes and Consequences, p. 499.

[16]Report on Mental Defectives in Virginia—by State Board of Charities and Corrections, p. 18.

"There were in the room, Mary Jane, a slatternly-looking woman of 45 (an illegitimate daughter of Old Sal), the mother of five illegitimate children, all girls; and two of Mary Jane's daughters, aged 20 and 14 respectively—already they had entered a life of prostitution; the girl of 20 has borne four illegitimate children, the youngest, two weeks old, being the only living one." The report of the Board continues by adding other instances of illegitimacy in the family, the worst case actually involving both incest and infanticide. This family suffers not only from hereditary feeble-mindedness, but as a consequence of weak will and almost inevitable moral obliquity, such a degrading condition of sexual promiscuity prevails that a large proportion of the children are illegitimate, and, of course, feeble-minded as well.

The study of the almshouse population revealed a similar spectacle of immorality in the relation between feeble-mindedness and illegitimacy. "Our almshouses are virtually lying-in hospitals for feeble-minded women," says the report, and the investigation of numerous almshouse inmates demonstrates the reckless immorality that has prevailed among them. The following quotations descriptive of various inmates studied tell the tragic story of hopeless lives:

"She then lacked one month of being fourteen years old, (at the time of her marriage), but in spite of her youth had already given birth to one child and another was born a few weeks after her marriage."

"The only girl, Kate, works out for a while, and then comes back for a stay; already she has given birth to three illegitimate children."

"One of Carrie's aunts appears on the records as 'simple.' Although she never married, she was the mother of fifteen children, returning to the almshouse to give birth to most of them."

Numerous illustrations such as these merely attest to an almost incredible bestiality; nevertheless, there is no reason

to doubt that such conditions are repeated elsewhere. Low mentality means low morality.

The statistics of reformatories for girls offer further evidence of the relation of feeble-mindedness to illegitimacy. As is well known the great majority of all delinquent girls in institutions are, or have been, immoral. Recent tests show that in some institutions practically one-half of the girls are feeble-minded; but these tests must be accepted with such reservations as explained above. That this proportion of girls is seriously ignorant will not be doubted, and this fact goes far to explain the sex irregularity of the girls: and immorality, of course, leads to illegitimacy. Our juvenile courts and children's societies recognize feeble-mindedness as a factor and are urging the better care of the feeble-minded. They have begun to realize that mental defectives frequently commit crimes and that weak-minded girls are being beguiled into illicit sex relations, and eventually made the mothers of illegitimate children. The lowest figures are reported from Philadelphia where a study of 750 cases revealed less than 7 per cent of feeble-mindedness. Carol Aronovici summarizes his investigation of unmarried girls with sex experience in the following language:

"No evidence of any material frequency of feeble-mindedness influencing the moral character of the girls could be detected from the records studied."

The Massachusetts State Board of Charity commenting on mothers handled in the state infirmary says in regard to the commercial feature of immorality; "We incline to the opinion that the girls we meet in the maternity ward are not bright enough to secure for themselves much money returns. They merely follow impulse without calculating for tomorrow." The Board intimates that a large proportion of these women belong to a border-line class, not sufficiently feeble-minded to convince a court of the need of institutional care, but too subnormal to maintain rigid moral standards.

Miss Weidensall has made an extensive study of the low

mentality of unmarried mothers. Among the groups tested were a series of delinquent women at Bedford, N. Y., who came to the institution with illegitimate infants or were pregnant for illegitimate children, and an unselected group of unmarried mothers referred from the Cincinnati General Hospital. These groups were compared with law abiding working women, married mothers from the same hospital and young girls to note whether characteristic differences in mentality actually existed. Two systems of tests were employed in order to safeguard the accuracy of the results. The principal conclusions arrived at were as follows: not more than 20 per cent of the unmarried mothers were clearly normal mentally; from 40 to 45 per cent were so subnormal that institutional care alone can protect them from the dangers of the world; in less than six per cent of the obstetrical cases studied were the women earning more than $5.00 per week.

The married mothers yielded very different results, likewise the law-abiding working women and working girls. Among these groups the rate of feeble-mindedness was less than one-half that of the unmarried mothers, the highest percentage being found among the married mothers, a large proportion of whom were dependent on charity for other than medical relief.[17]

English investigations seem to corroborate these conclusions.[18] It has been shown that out of 14,521 inmates of Magdalen homes, 2,531 or 16 per cent were feeble-minded. Of these, 8 per cent had each had more than one child. Tredgold quotes Dr. Potts as saying that out of 100 consecutive cases admitted to the Magdalen home at Birmingham, England, 26 were feeble-minded, 7 were morally insane, and 3 others were suffering from various abnormalities. Tredgold claims that about 40 per cent of the illegitimacy of his country occurs among the feeble-minded. Conditions in England, how-

[17]National Conference of Social Work. 1917. pp. 287-294.

[18]Tredgold, A. F. "Mental Deficiency". p. 451.

ever, differ much from those obtaining in the United States and the percentages cannot be transferred bodily and applied here. Nevertheless, the figures show that there as here illegitimacy is more prevalent among the feeble-minded than among the normal population.

It should be noted that each of these studies has dealt with the dependent or delinquent groups of unmarried mothers and is not quite typical of this class as a whole. Feeblemindedness is so important a cause of poverty and crime that a high rate of subnormality would naturally occur among those unmarried mothers who have come in touch with institutions or charitable agencies. Nevertheless, it is these groups particularly that accentuate our social problems, and there can be no doubt that an exceptionally large number are distinctly feeble-minded.

Lack of Home Training

It is plain, however, that ignorance is not due solely to mental incapacity. It often results from defective training, due to broken homes, premature child labor, ignorance or viciousness of parents, and such other conditions as will prevent young girls and women from understanding themselves and their proper relations to the opposite sex. A large number of normal girls under the burden of such an environment quite naturally become the victims of the wiles of deceitful men. A study in Baltimore of 194 unmarried mothers disclosed the interesting fact that 23 per cent lost their mothers in early childhood and were compelled to shift for themselves; one-third went to work before they were 12 years old; one-sixth grew up in homes that were immoral and nearly one-fourth were earning less than a subsistence wage at the time of their seduction. One worker with unmarried mothers writes; "A man with vast experience in seventy-four different rescue homes for girls, a man who speaks with careful

consideration, estimates that fully 50 per cent of the girls with whom he has to deal in these homes have gone wrong through ignorance." A considerable proportion of these, of course, are ignorant because of mental defectiveness.

Ignorance of the dangers of immorality must not be confused with lack of formal school education. Even though the rate of illegitimacy was higher among a literate than an illiterate group, we must not conclude that ignorance is not a factor. Usually among the illiterate the age of marriage is low and girls have hardly realized sex impulse when they enter the marriage relation. Where there is popular education this is not usually the case, but popular education does not imply a knowledge of sex hygiene nor protection against deception or ignorant connivance in sex irregularity. In the case of many young girls who have submitted to sex relations (the figures show that a considerable proportion are under eighteen) there is genuine ignorance, often so gross that the natural consequence of immorality is not even known. The Chicago statistics showing that 44 out of 163 girls did not know the consequences of their act indicate an appalling amount of ignorance. The proportion in the entire community would undoubtedly be much smaller, since these cases were all included among the women bringing bastardy charges. These women, no doubt, have the best grounds for a successful court case, while others guilty of previous irregularity are less inclined to risk court action. Nevertheless, the figures show that the danger of ignorance is a real one to be met and overcome. In the great majority of cases, the ignorance is less acute, but often the knowledge is not sufficient to deter girls from indulgence in what seems to them a slight immorality. Eventually they awaken, but too late, to the full realization of their misdeeds.

The English Poor Law Commission divides the mothers into three classes; the feeble-minded, the group more sinned against than sinning, and the consciously immoral. It is this second group which includes the normal woman who has

been tempted and who partly through ignorance and partly through the alluring temptation of the moment, stoops to illicit sex relations.

Low ideals are most common among these unfortunate girls and the chief causes are defective home life, unwholesome amusement, overcrowding, lack of religious and moral training and evil companionship. In order to gain adequate knowledge of both the individual and social causes of unlawful motherhood a careful and painstaking case investigation of typical groups of mothers in various localities should be made. Such a study should consider the hereditary influences, mentality, home life, education and training, companionship, occupation, recreation and any other factor pertinent to the problem. Perhaps in this way only can the part taken by low ideals be given due weight.

There can be no doubt that the girl without a mother is most hapless in her training for life and is often in danger of a wrong moral development. And if she has a mother but no father, economic conditions are usually unfavorable, with the result that oversight and training are quite impossible. Accordingly, broken homes such as these, especially those in which the mother is a widow and must enter some remunerative occupation, contribute to child delinquency. Statistics by the federal government based on a study of a limited number of juvenile delinquents showed that in the case of girls, 34.2 per cent,—a little more than one-third,—came from normal homes. Although these figures are based on the entire group of offenses committed, nearly one-half were guilty of immorality. In other words, the broken home contributes largely to the moral decadence of the children and actively promotes delinquency. What is true of girls of juvenile court age undoubtedly holds for many girls under 21. They form bad habits and associations, which naturally lead to immorality and illegitimacy. The study of unmarried mothers in Chicago indicates that 61 per cent of the total number were suffering from a

broken or unnatural home life.[19] The majority, indeed, had both parents living, but in the case of a considerable number of immigrant girls, the parents were still in Europe and the girls lived under abnormal conditions.

In Philadelphia, in 1915, out of 129 women appearing in court in fornication and bastardy cases, about whom home conditions were known, only 31 came from fair or good homes. The rest or three-fourths of the total number came from homes characterized by cruelty, neglect of children, poverty, drunkenness, immorality and other low standards.

The broken home results in lack of oversight and guardianship. The girls run wild and soon reap the consequences. Step-parents also frequently repel their step-children so that the latter form new and doubtful associations. A large percentage of the children of unmarried mothers go wrong, an important cause of this result being the handicap of an incomplete home, to which such children are condemned.

Unwholesome home life impresses its consequences on the girlhood of today with extremely sad results. Parents have low ideals; fathers corrupt their daughters, and mothers train them in immorality. The federal government reports that 129 out of 190, or nearly 67.89 per cent, of the girls studied who were charged with immorality, suffered from "unfavorable home conditions." This term included "dirty, unsanitary, or over-crowded conditions, as well as all the influences due to the character and habits of the parents or other members of the household."[20] The conclusion is also reached that among girls the neighborhood counts for less than with boys, but that the home assumes the predominant place. In regard to 21 mentally normal unmarried mothers the Boston Conference on Illegitimacy reported that nine had good family influences, although the comment relative to one

[19]Juvenile Protective Association of Chicago—"A Study of Bastardy Cases."

[20]Woman and Child Wage Earners in the United States—Vol. VIII, pp. 132-134.

was, "family does not seem to condemn the lapse of virtue severely," and to another, "one mother said to be immoral." Ten of the mothers had suffered from poor family influences, including immorality, illegitimacy, intemperance, gambling and prostitution. Two of the girls had come to the United States without their parents and accordingly were under independent influences. In an investigation of the conditions underlying child neglect in St. Louis it was ascertained that out of 728 children having living mothers, 246 or 33.7 per cent suffered from the delinquency of their mothers. The chief forms of misconduct were prostitution, adultry, immorality and drunkenness, many of the mothers being each guilty of two or more of these serious offenses.[21]

When one stops to consider the proportion of mothers of neglected children who are carrying on such forms of wickedness and exposing their children, especially their daughters, to moral contamination of this sort, it is no mystery why many girls go wrong. When mothers set the example, daughters may be expected to follow. Added to this most demoralizing condition is the existence of the common law marriage which in the United States gives both parents a considerable amount of freedom and results in frequent short time marriages and promiscuous relations that bode no good to the children, especially the daughters in a family. The sanctity of marriage is not taught and girls come to consider the sex relation as an innocent pleasure.

Overcrowding

Overcrowding generally results in the breakdown of privacy, and although immoral conduct between members of a family may not occur, low ideals are established and these frequently culminate in illegitimacy. However, the English

[21]Persons, C. E.—"Neglected Children in St. Louis"—An unpublished report of a study made in the Missouri School of Social Economy.

figures tend to throw doubt on these conclusions. Nixon has compared the illegitimacy rate with the percentage of population overcrowded and found that the relation between the two was so indefinite that he felt the burden of proof rested on those who contended that overcrowding leads to illegitimacy. In one group of towns he discovered that a high percentage of overcrowding was associated with a low rate of illegitimacy; in another group the overcrowding was low but the illegitimacy high. Nevertheless, other factors must have entered to produce these results. Certain it is that bad housing and overcrowding are closely associated with juvenile delinquency, and low ideals once formed are likely to mature shortly and result in many dangerous forms of immorality, of which prostitution and illegitimacy are the chief varieties.

American statistics, while they indicate some relation between congestion and immorality and juvenile delinquency, have proven little in regard to illegitimacy. In fact, the analysis of the group of unmarried mothers studied in Chicago showed that the average number of rooms per apartment was 4.41 and number of occupants 5.6, thus representing fairly good conditions. That the type of housing facilities provided is a factor appears from the Scotch statistics, according to which the level of moral conditions varies inversely as the relative comforts and conveniences offered the servant classes. An environment which consists of lack of privacy must undermine morals and ideals and lead to immorality. The relationship of cause and effect is, however, obscured by other factors.

Among the poor in our large cities the two and three room apartments are the most frequent. The former cannot separate the sexes so as to avoid danger to morals; the latter can do so only with the greatest difficulty. The average family among the poor is larger than for the community as a whole and, therefore, presents a more serious problem. Overcrowding is, of course, usually a result, not a cause. It is forced on a family by poverty. That the possession of prop-

erty and of a fair competence tends to maintain low rates of illegitimacy is indicated by the favorable showing among the land-holding peasants of various parts of Europe.

Nevertheless, the well-to-do sections of Ireland have higher rates than the poorer ones. On the other hand, such prosperity as that indicated by the presence of a large class of small land-holders seems to favor morality. Dalmatia, with many small peasant holdings has extraordinary low rates—3.8 per cent. Certain parts of Bavaria blessed in a similar way, yield similar results. Where there are few land-holders and the employed or tenant groups are conspicuous, there we find less prudence and foresight and often lower moral standards. In these respects urban districts present a decided contrast with rural communities. No doubt an excess of rural rates, as in England, is somewhat affected by the unfavorable distribution of land ownership.

Unwholesome Recreation

Recreation is a factor of no mean importance. The servant girl, either compelled to entertain her friends in the kitchen or a stuffy attic, or required to find recreation wherever opportunity may afford, suffers most severely from the handicaps of a questionable environment. Without a surplus of morality, the young woman addicted to the commercial recreations of the day soon loses that gloss of virtue which has been her pride. Refinement is lost and vulgarity takes its place. Out of eighteen cases of illegitimacy recently handled in a certain hospital, the women in six cases were constant patrons of the commercial dance hall. In the country districts the dance hall frequently leads to immorality. In the cities girls suffer much from association with vulgar men. Men hardened in vice begin to break down the standards of the young women until finally the compensation demanded for their companionship is nothing less than the surrender of virtue. Young women in our juvenile courts are constantly revealing the fact that many girls expect to grant such

compensation and that the young men demand it. Without austere morals and resolute wills they cannot deny such requests and save themselves. The study of bastardy cases in Chicago to which we have previously alluded also confirms the general conclusions that we have stated. None of the girls habitually sought recreation provided by philanthropic or social institutions but the great majority did patronize commercial amusements with their constant temptations and abounding vulgarity. Constant dangers therefore confront young women wherever recreation is largely commercialized and little public supervision exists. Only too often certain men patronize dance halls for the sole purpose of meeting attractive girls and persuading them to surrender their virtue. There is great danger that immorality will among certain groups become practically contagious. Often young men enter into a compact to force illicit relations with their female companions. The pleasure of an occasion is tested by the opportunity for immorality. The young women are made to understand that they are receiving pleasure and enjoyment which can be paid for adequately in only one way. An illustration of this situation has been given by the girls' protective association working in a large city.[22] One of the girls coming under its care related the story of her downfall. She had gone to a "truck" party, which consisted of an outing in the country, a large truck being used as the vehicle of locomotion. The woods yielded the necessary privacy. When asked about the other couples she confessed that they were all alike and that the girls would be left alone or forced to associate with each other entirely if they did not make these concessions to the young men. Escapades such as this one finally lower the ideal of chastity and the young women come to regard their indiscretion as a trivial matter, but many are finally jolted into a realization of its seriousness when the terrible facts of illegitimacy and unwanted motherhood confront them. Meanwhile the content of pleasure as

[22]Girls' Protective Association of St. Louis. First Report. 1920

defined by the young men is standardized at a point where it necessarily involves immorality.

Drunkenness

A consideration formerly of much importance was the excessive use of intoxicants. Alcohol has an insidious effect on the human being. It is well known that it weakens the powers of inhibition and makes its victims susceptible to suggestions of many kinds. It certainly stimulates passion and thereby promotes immorality. Picnics, boat excursions, public dances and other forms of amusement and recreation frequently culminated, in former days, in the intoxication of the young men and in the moral relaxation of the young women. Will power surrendered to the passions and illegitimate children told the story of the moral lapses that had occurred. Often the girl was overcome with liquor through the designing efforts of some vicious man and while in this condition readily yielded to the importunities of her companion. The disappearance of the open saloon has greatly reduced this cause of immorality, but the danger exists so long as intoxicants may be obtained even though they be procured in a clandestine manner.

While sober, the great majority of these young people would not seriously consider irregular relations, but the fire of alcohol temporarily inflames their sex emotions; and after their debauch they bitterly regret their actions, but it is too late.

These conclusions are well substantiated by the facts showing the relation between the saloon and prostitution. It has been clearly demonstrated that the social evil shrinks perceptibly when alcoholic liquors are not available to weaken the power of men and women over their animal instincts. Keepers of houses of ill repute have constantly fought the repression of the liquor traffic because they know that these houses flourish more abundantly if opportunity for indulgence in alcoholic liquors is provided. The enforcement of national

prohibition should become a factor of material importance in reducing illicit sex relations.

Sexual Suggestibility

An interesting and important physical state is that known as sexual suggestibility. Some women and probably a larger number of men are abnormally excitable as to sexual matters and accordingly are prone to yield to the impulse quite regardless of its possible consequences. In some instances, no doubt, this passion is an inherited trait, in others it is due to unusual development and personal conditions, such as early sex experiences, masturbation, immoral suggestions, access to lewd pictures, etc. Many delinquent girls are practically incapable of self-control and finally accept their physical condition and desires as normal. Kammerer credits sexual suggestibility and erotic tendency with being largely responsible for illegitimacy in 66 out of 500 cases.[23] However, in the majority of instances the woman was susceptible only to the importunities of a certain man, usually her sweetheart. Probably the desire to please was a factor in many of these cases and a contributory cause of considerable importance.

Healey, in analyzing the causative factors in the production of delinquency, finds that improper sex habits and experiences were main factors in 50 per cent of the cases studied and minor factors in over 20 per cent.[24]

Although the delinquencies considered were varied in character and did not in most instances culminate in sex offenses, the study is valuable for our purpose because of the large number of delinquent acts traceable to abnormal sex habit.

Causes According to Kammerer

In his excellent case study of 500 unmarried mothers

[23]The Unmarried Mother, p. 320.

[24]The Individual Delinquent, p. 130.

Kammerer has minutely analyzed the causes responsible for each woman's misstep, exclusive of the defective group. The table that follows presents his conclusions:[25]

CAUSES OF ILLEGITIMACY

Causes	No. of times a major factor	No. of times a minor factor	Total No. of times appeared as factor
Bad Environment	29	56	85
Bad Companions	8	136	144
Recreational Disadvantages	....	22	22
Educational Disadvantages	....	20	20
Bad Home conditions	194	158	352
Early Sex Experience	....	25	25
Physical Abnormality	6	53	59
Sexual Suggestibility	27	16	43
Sexually suggestible by one individual	38	4	42
Abnormal Sexualism	1	1	2
Mental Conflicts	3	2	5
Defects of Heredity	....	48	48
Assault, Rape, Incest	14	....	14
Not analyzed	13	....	....
Total	333		
Suggestive of Mental Abnormality	167		
	500		

Lack of Religious Training

The failure to give effective moral and religious training to our young people cannot be overlooked. No one can truthfully gainsay that excellent religious instruction would go far toward inculcating ethical ideals which would reduce the tendency toward sex immorality. It is true that those ignor-

[25]Work cited, p. 320.

ant of sex matters but morally sound occasionally fall; but more often their moral stamina will triumph. Knowledge of sex and sex hygiene without a working conscience will not abolish immorality; it might reduce some of its consequences, especially illegitimacy through the knowledge of preventive methods that would inevitably be attained. The decline of religious control has undoubtedly served to lower moral standards and to make them less coercive than formerly. Writers frequently confuse church affiliation with religion and therefore reach peculiar conclusions as to the relation of such affiliation to illegitimacy. It is not church connection but genuine training in moral power and capacity for virtue that counts. Religious connections are often merely nominal. Therefore the standards of morality that prevail do not reflect the effect which the intensive cultivation of a religious life might produce. They are an indication of the general or community effect of an organized religion but not of the influence of a particular denomination on the individual.

Illegitimacy and the War

So tremendous a disturbance of social life as the late war is certain to produce a considerable effect on the morals of a country. The withdrawal of millions of men from civilian life and their complete separation from the opposite sex represents a serious social abnormality. On the other hand, the training and discipline which the men received must have produced decidedly beneficial effects. However, the community effects were much better than the individual results. The social hygiene movement for example was advanced many years. Certain exceptional results were also experienced. The irresistibility of the uniform led to the downfall of many a hapless girl. Often the soldier boy was duped by an older and immoral woman with serious consequences both to him and the woman.

In England the annual number of illegitimate births occurring after the war began declined slightly, but the per-

centage of illegitimate to total births rose. In Milan, Italy, the proportion rose and in 1916, 9.4 per cent of all births in that city were recorded as illegitimate. The effects produced in this country cannot be statistically stated.[26]

One of the most menacing aspects of the whole problem is the relative decline in the proportion of the male population. In most countries as a result of the war there are now many more women than men. There is great danger that this abnormal condition will result in a wide-spread disturbance of moral standards with such consequences as adultery, illegitimacy and immoral relations of divers kinds. Unless drastic methods of prevention are adopted it is difficult to see how results can be otherwise. Fortunately for the United States these disproportions and their accompanying dangers do not occur here except in a few localities.

Personal and Social Conditions Affecting Illegitimacy

In addition to the direct causes, the prevalence of illegitimacy is profoundly affected by a variety of personal and social conditions. These, although they are not to be regarded as causes of the evil, are factors which lessen or accentuate its seriousness. The most important ones are: age, occupation, religious affiliation, country or urban residence and proportion of unmarried men and women. Besides these there are others of minor value.

Age

Among the most significant conditions underlying illegitimacy is the age of mothers. Has the period of physical maturity been reached? Are the mothers entitled by age to bear the full responsibility for their downfall? Is the age distribution everywhere approximately the same? Questions such as these array themselves before the sociologist and ask for an

[26]Lundberg, Emma—"Illegitimacy in Europe and the War." National Conference of Social Work, 1917. p. 300.

answer. The light which statistics throw upon this subject is partially indicated in the following table showing the ages of mothers of illegitimate children. For the localities stated in the subjoined table it has been possible to divide the mothers into two groups, those under 21 and those 21 and over.

AGE OF MOTHERS

Locality	Date	Number cases	Ages	
			Percentage Under 21	Percentage 21 and over
Washington, D. C.				
white	1913	113	37.17	62.83
colored	1913	487	65.5	34.5
Philadelphia				
white	1915	591	52.9	47.1
colored	1915	364	65.9	34.1
St. Louis				
white	1912-13	1079	55.7	44.3
colored	1912-13	271	69.7	30.3
Australia	1910-12	20691	37.05	62.95
Ohio	1913	1290	60.1	39.9
Baden	1902	4284	31.8	68.2
U. S. Birth Registration Area	1918	22765	45.2*	54.8*

Surprising differences seem to exist in regard to the proportion in each age group. In Baden it is low among those under 21; in the American cities it is higher, while in St. Louis and in Ohio the number is excessively large. In fact, more detailed figures indicate that illegitimacy among American girls of 15, 16, and 17, is far more common than among German girls, and these facts hold for both colored and white girls. Examples of negro girls of 12 or 13 are not rare and many white girls of 13 have suffered the pangs of unwanted

*Age classification for birth registration area is "under 20" and "20 and over".

motherhood. In the American cities it appears that a greater incidence of illegitimacy occurs among girls in the 18th and 19th year of their lives than at any other period. It is probable that the great majority of the unmarried mothers in the United States over 25 years of age have practiced immorality before reaching this age. At 18 girls become marriageable and beyond this age the proportion of single girls rapidly declines. Accordingly, the higher age groups offer less relative opportunity for illegitimacy. In Baden, however, the twentieth year represents the age of greatest frequency and the leading years are 19 to 23 inclusive. Using 21 years as a dividing line, we find that serious differences also exist. In the first place, about two-thirds of the colored fall below this age, but the greater proportion of white women are more than 21. Nevertheless, wide differences in these respects are noted among various sections of the United States.

Owing to the various age groupings made by the different statistical bureaus, satisfactory comparisons cannot be made. It has been possible, however, to ascertain for several localities the proportion of unmarried mothers that fall within the age group 20-24 years. In St. Louis about 40 per cent are classified in this group, but in Baden the figures for 1902 were 53.1 per cent, while in Berlin the proportion in 1907 was 46.2 per cent. It is significant also that in Germany a much larger proportion than in the American cities are more than 25 years of age. The births in Berlin may, for the purposes of illustration, be compared with the white births in St. Louis. In the former city 32.3 per cent of the unmarried mothers were over 25; in the latter only 15.9 per cent. On the whole it appears that immorality manifests itself in the early years of life of the young woman in America and rather quickly runs its course. In Germany it appears later and lasts longer. As a consequence, a large proportion of American girls are immature and with difficulty able to care for their babies, while in Germany the great majority are mature in years if not in mind.

The facts presented above relate to the ages of various

groups of unmarried mothers without reference to the number of pregnancies that have occurred. Since some of the women have previously undergone motherhood, the age at the time of first pregnancy will be lower than the figures given in the foregoing table. Kammerer has been able to obtain facts bearing on this question and his statistics show that 333 or 66 per cent of the 500 mothers studied conceived their first child before they were 21 years old, and that 45, or 9 per cent were less than 16 years of age. If these cases are typical of the New England unmarried mother they constitute an astounding revelation of the youth of these unfortunate girls. Nixon presents a unique table which relates illegitimacy to the age of unmarried women.

RATE OF ILLEGITIMACY ACCORDING TO AGE OF UNMARRIED WOMEN[77]

(Australia)

Age	Annual rate per 1000 unmarried women of child-bearing ages	Rate per 1000 total births
14	.42	841
15	1.68	765
16	4.34	563
17	8.15	415
18	13.30	315
19	17.18	230
20	17.45	172
21-24	17.72	80
25-29	15.83	35
30-34	12.85	22
35-39	11.74	21
40-44	6.13	19
45-49	1.41	29
TOTAL	11.61	57

[77]Table taken from Journal of the Royal Statistical Society, Vol. 77, p. 853.

According to the foregoing table illegitimacy is most prevalent among women from 21 to 24 years of age, but the rates among those from 25 to 39 are exceedingly high. In fact the age of 30 is exceeded before the rate falls to that recorded for girls of 18. The figures showing the proportion of all births that are illegitimate are very significant. More than four-fifths of the births among girls of 14 are illegitimate, but this proportion rapidly declines with advancing age, and the age groups presenting the highest rates show a proportion of only 80 illegitimate per 1000 births, or 8 per cent. These statistics indicate that among the younger girls sex relations are infrequent, but those that occur are largely contrary to legal sanction.

As girls grow older they marry thereby leaving fewer individuals to satisfy their sex hunger in illicit ways, but the unmarried women are restless and for many years a large number stoop to immorality. Gradually habits become fixed and illicit sex life declines. The general facts as to age seem to indicate that the restless sex impulse reaches a physical climax in the late "teens" and early twenties, and that after this period of life it is either subjected to gradual control by will power and righteous desire, or its force is lost to public view through the avenue of marriage.

Occupation

One of the most perplexing conditions underlying illegitimacy is the occupations of the mothers. The great difficulty lies in determining the significance of the facts. The following table shows the relative distribution of illegitimacy among the various occupations in Berlin for the year 1905 and probably presents conditions not materially different from those prevailing since that time to the present.

ILLEGITIMACY AND OCCUPATIONS IN BERLIN[28]

OCCUPATION	Percentage of Women in Specified Occupations	
	Unmarried mothers (1905)	Occupations of women marrying, 1905-1906—at time of marriage
Farm and garden and fishing	.2	.2
Metal and Implement	.3	.8
Textile	.4	.8
Paper and Leather	.0	.8
Food materials	.4	.3
Clothing	18.7	25.6
Cleaning	3.4	3.8
Printing	.8	.9
Insurance, Trade	7.3	8.7
Transportation and marine service	.3	*
Hotel	1.5	.7
Other trades	.4	1.0
Photography	.2	.1
Servant	30.7	19.4
Other personal service	1.5	1.2
Laborers	25.3	12.9
Nursing	.5	.5
Teaching	.5	.5
Artist	.5	.4
Rentier	.1	.2
Literature and newspaper	.2	.2
No occupation or preparing for trade	5.0	18.3
Not designated	1.7	2.7
Total	100.00	100.00
Total number	9402	45521

[28]Statistiches Yahrbuch der Stadt Berlin (1906-07) 1909.

In the foregoing table is given the distribution of the unmarried mothers of 1905 among the various occupations. The best available comparison with these figures is made by using the occupational distribution of women who married during this period. A number of very interesting contrasts appear. For example, 30.7 per cent of the unmarried mothers were servants, although only 19.4 per cent of the girls marrying came from this group. Among "laborers" the respective proportions were 25.3 per cent and 12.9 per cent, or a relation of two to one. The girls in the clothing industry furnished 18.7 per cent of the illegitimacy but more than 25 per cent of the group who married. Among hotel girls the rate of illegitimacy was high but among the unemployed and student class it was very low. It is quite clear that certain occupations yield a much heavier proportion of illegitimacy than others, but the extent to which these occupational conditions are causal factors cannot be determined since we cannot tell how far these occupations attract women of low standards. Moral hazards seem to be greatest among servants, hotel girls and laborers. These facts are also borne out by statistics for 1891 which show that in Berlin among 1000 unmarried women in a specified occupation the number of illegitimate births was as follows:[29]

Laborers, 46.5; without trade, 42; hotel workers, 37.1; personal service, 26.1; and clothing and cleaning, 25.8. Here, however, the laborers rank first and personal service only fourth, while the girls without a trade furnish a very high rate and rank second.

Some figures presented by Lange for Baden and covering the three years 1894-1896 corroborate in general the conclusions reached in regard to Berlin.[30] Although the statistics are no longer recent, there is no reason to suppose that the

[29] Linder, Frederick: Die Unehliche Geburten als Social Phänomen.

[30] Lange, Aug. Die Unehlichen Geburten in Baden.

proportions among the various occupations have undergone any considerable change. An item of interest is the classification of the total number into two groups—the independent and the dependent, the former being largely self-employed, the latter serving for pay.

Lange draws conclusions based on the facts for more than 224,000 unmarried women, most of them engaged in some gainful occupation. Out of this total, 4,837 or 2.15 per cent gave birth to illegitimate children. It is noteworthy that among the seven groups into which the occupational conditions were divided, official and professional service furnished the lowest rates of illegitimacy -.37 per cent, or about one instance out of every 262 women. These women, whether independent or employed, possess a high level of educational attainment and, as should be expected, led every group in their standards of morality. Close on their heels was another group consisting of students, orphans and dependents of various kinds, most of whom, however, were peculiarly protected by their environment for the time being. Here we find that every 155th woman became a mother. These are the only general groups, except the so-called independent class, in which less than one per cent of the girls went wrong. Among the remainder there was a considerably larger proportion. The tradeswomen came next and the agricultural group, from whom better results should have been expected, followed with a slightly larger rate. It seems that the rural women betrayed less immorality than did the women of the country as a whole, nevertheless, particular classes inhabiting the towns and cities gave objective evidence of a superior morality. Without doubt these groups differed somewhat in mental quality and the brighter women displayed the greater caution. One-fifth of the total number were not gainfully employed and of these a small proportion were classified as independent; they furnished but few illegitimate children. Most of this group, however, consisted of women from the lower economic strata, with little or no means of their own.

They exceeded the average rate for the country, the figure actually reaching 2.5 per cent, or one woman out of 40. Furthermore, the number of women falling into this group justifies the claim that this rate is valid for women of this class. The dependent woman without an occupation, or temporarily unemployed, apparently encounters many pitfalls and expresses her temptations in the unfortunate terms of unwanted motherhood.

Lange's figures show that the rate among women engaged in mining and manufacturing and in domestic service and common labor was about the same, and that this figure leads the various occupational groups. But certain manufacturing industries yielded rates far above the average for the group and greatly exceeding those prevailing in domestic service. For example, the machinery industry furnished three times the proportion returned for domestic service. There was also a great disproportion between the percentage of cases coming from dependent and the independent groups. The former had a rate of 2.4 per cent, the latter of only .9 per cent, or about two-fifths as much. These differences are so wide as to indicate that important social, legal, and perhaps physical conditions handicap the wage-earning group. Without doubt such high rates as those prevailing in the manufacturing industries depend in large part on a depleting social environment. Comparing domestic service with the rates among the dependent class to which this occupation belongs we find that there was only a slight excess of illegitimacy among this group. In Baden, therefore, it appears that domestic service furnishes little more than the expected rate. The higher classes, that is, the better educated group, whether independent or employed, yield the lowest rates.

In the United States the facts in regard to occupation are almost wanting. In the first place there are few reports of the amount of illegitimacy and still fewer analyses of the social conditions of the parents. The following table pre-

senting information relating to the occupational distribution of mothers in St. Louis, Philadelphia and Milwaukee and in

PERCENTAGE OF UNMARRIED MOTHERS IN SPECIFIED OCCUPATIONS[a]

OCCUPATION	CITY OR STATE						
	St. Louis	Milwaukee	Boston		Wisconsin	Philadelphia	Cincinnati
	1911-13	08-13	1913	1914-18	1910	1915	1912-14
Domestic, Housewife & Housekeeper	60.3	68.0	38.0	44.6	71.9	73.6	59.4
Factory	7.65	6.8	21.7	31.4	1.25	12.7	9.9
Laundry	4.5	a	1.2	2.8	.4	1.3	....
Waitress	2.7	.9	8.9	6.6	a	2.1	1.7
Clerk & Store	3.0	4.4	3.3	4.2	2.08	1.5	3.8
Seamstress & Milliner	3.15	2.3	3.7	....	2.28	2.4	5.4
Telephone	.95	a	....	1.4	.4	1.1	1.4
Student or School girl	2.15	2.4	2.4	....	3.0	2.6	2.0
Office	2.1	1.1	4.5	1.2	1.94	1.5	2.7
Teacher	1.2	1.2	a	.6	1.25	a	1.0
No occupation including "at home"	10.4	8.4	7.8	4.4	10.4	b	10.3
Miscellaneous	1.9	4.5	8.5	2.8	4.4	1.2	2.4
Total Number	2010	1524	331	500	721	1151	666
Occupations unknown	72	136	.....	.....	110	38	.....
Grand Total	2082	1660	.....	.....	831	1189	.....

a. Percentage almost negligible.
b. Included under "Occupations Unknown."

[a]Mangold, G. B. and Essex, Lou R.—"Illegitimate Births in St. Louis."
Report of Wisconsin Vice Committee—p. 137.
Studies of the Boston Conference on Illegitimacy.
Report of Philadelphia Board of Health.
Trounstine, Helen S.—"Illegitimacy in Cincinnati."
Figures for Boston, 1914-18, based on 500 cases handled by Society for Helping Destitute Mothers & Infants.

Wisconsin will, however, indicate the types of conditions which are to be expected and which very likely prevail in the large cities throughout the country. The statistics for 331 out of 858 unmarried mothers in Boston are also indicated, but it is not likely that these figures are typical since they refer only to those cases coming under the observation of the charitable organizations.

The percentages in the above table are based on the number of women having a known, or no, occupation, and those for whom information was lacking were excluded from the computation on the assumption that in their cases the occupational distribution would be very similar to that of the known cases. Comparing domestics with the entire number of women we discover that in St. Louis they form 58.2 per cent of all and in Milwaukee 62.6 per cent. On the other hand, by limiting the consideration to those mothers whose occupational status was known, as was done in the foregoing table we find that in St. Louis 60.3 per cent and in Milwaukee 68.0 per cent were domestics. The Wisconsin Vice Committee relates the mothers to women employed in Milwaukee and finds that among domestics the rate of illegitimacy is 2.9 per cent, among waitresses, .59 per cent; clerks, .33 per cent; and among other occupations is still lower. This would indicate an excessive disproportion among domestics but the figures are somewhat vitiated by the fact that 30 per cent of the girls came from outside the city. The occupational distribution of working women in the rural districts differs widely from that of the large industrial centers. In Boston among 331 girls, 38 per cent were domestics, 21.7 factory workers; then followed waitresses and the "at home" group.

In Cleveland out of 175 unmarried mothers studied 100 or 57 per cent were classified as engaged in housework, about 10 per cent were employed in factories and a similar number in offices and stores. Kammerer, in his study, classified 31.6 per cent as domestics, 26.2 per cent as factory workers, and

these were followed in order by the "at home" group, waitresses, school girls and mercantile employments.[32]

English statistics for 1911 show that indoor domestics are responsible for 45 per cent, and all domestics for 55 per cent, of the illegitimate births. Corresponding figures for unmarried women at work are 32 per cent for indoor domestic work and 35.3 per cent for all forms of domestic work. Mr. Nixon, whose figures we give, does not place much value on the statistics for domestic service because of the heterogeneous types in Great Britain. Accurate comparisons likewise cannot be made in the United States because the classifications by local health departments and the census bureau are not sufficiently identical. Nevertheless, it is clear that there is a considerable preponderance of illegitimate births among the servant class.

The relation of domestic service to immorality is also indicated in the federal investigation of juvenile delinquency and its relation to employment. It is shown that a considerable proportion of servants become involved with members of the household, but general conditions are held largely responsible for these exorbitant rates. Among the causes mentioned are: the loneliness of the life, the lack of opportunities for making friends and securing recreation and amusement in safe surroundings, the monotonous and uninteresting nature of the work done, lack of external stimulus to pride and self-respect and the unguarded state of the girl except when directly under the eye of her mistress. Borosini adds that "Most unmarried mothers are recruited from among poorly paid and insufficiently protected industrial workers and domestics." It is probable that domestics as a group are somewhat below the average in education. Added to this are their scant facilities for companionship and social life, due largely to the discrimination, if not snobbery, prevalent among mistresses. Long hours and excessive isolation also

[32] "The Unmarried Mother"—p. 329.

drive many girls to irregular habits, and the desire to secure relief in recreation often results in the patronage of questionable amusement places.

Religion

The relation of religion to the prevalence of illegitimacy is not very clear. The European statistics show that Roman Catholic Ireland has the lowest rate of illegitimacy in Europe. It further appears that while the rates in Protestant North Ireland are low, those in Catholic South and Southwest Ireland are considerably lower. In addition, Protestant Ireland is more well-to-do than Catholic Ireland and should have better opportunities and less temptations for young women.

Russia follows Ireland and has extremely low rates. Here the Greek church dominates and influences morals. When we cross over into Austria we find that a Catholic country has among the highest rates of illegitimacy found in Europe. In studying the Protestant peoples it appears that the widest deviations are discoverable. Parts of Protestant Germany yield most alarming rates, but in Netherlands, England and the United States the rates are decidedly lower.

Leffingwell says that five European countries, three Catholic and two Protestant, exceed Japan in their proportion of illegitimacy.[33]

Lindner, in his study of Bavaria for the years 1889-95, finds that taking the country as a whole the rate for Catholics was slightly in excess of that for Protestants. In the cities he found a large disproportion, represented by the figures 23.1 and 15.6, but in the provinces (cities being excluded) the Protestants had a slightly higher rate. In the villages and small towns conditions are apparently very different from those prevailing in the large cities. The absolute rates are lower and the inequalities between the two religions less.

[33] See Webb, A. D., New Dictionary of Statistics. "Birth Rates."

It appears that in the cities the social status of Catholics and Protestants differs and that this difference is a considerable factor. Catholicism or Protestantism as religions have apparently influenced the situation but little. The disproportions which exist are based not so much on religion as on social conditions and the status that sometimes seems to accompany them. These conclusions, however, do not hold for the Jews, among whom the rate of illegitimacy is very small. According to the Bavarian figures it is about one-eight of the general rate for the country. In a similar way the statistics for Buda-Pesth clearly shows a much lower rate for the Jews. Townley-Fullam, quoting statistics for 1906, says that among Roman Catholics the rate of illegitimacy was 30.2 per cent, among two branches of Protestants, 30.8 and 29.9 per cent respectively, but among the Jews the rate was only 11.7 per cent.

The few American figures have no real statistical value. According to the information gathered for 286 women in Boston 59 per cent were Protestant; and out of 419 women in Chicago and 223 in Philadelphia, the Catholics were represented by 58 and 54 per cent respectively. It is not possible, however, to ascertain the proportionate religious affiliations of the population from which these women are drawn; and therefore, no proper comparisons can be made. Each city, however, reports a rather small number of Jewesses. It is apparent from the varying statistics that factors other than religion, such as race, education, social status, economic conditions, and political relations, are primarily responsible for the wide differences that exist. It is likely that rates would be much higher if religious influences were absent, but the relative superiority of one religion over another as a deterrent factor cannot be weighed. However, the uniformly low rate among Jewish people is significant.

Country or City Life

The relation of rural and of city life to illegitimacy is

apparently obscured by various social conditions. At any rate, different localities yield different results and prevent broad generalizations on the subject. In some regions illegitimacy is more common in cities; in others, in the rural districts. In England, in 1911, the rate per 1000 unmarried women aged 15-45 years was 7.98. Yet the rate for London was only 6.47; that of other urban districts was 7.68, of the country boroughs 8.23, and of the rural districts 9.26. In Wales the rate was 9.51. It appears that the largest city had a relatively low rate; that rates rose as cities decreased in size, and that the highest rate was charged against the country districts. In view of the usual migration of a considerable number of unfortunate girls from the country to the cities the rural rate is not over-stated, and is evidently an indication of a real excess of illegitimacy in the country districts. This must not, however, be confused with an excess of immorality, because it is well known that the city girl is more adept than the country woman in the art of preventing the natural effects of her immorality, either by procuring abortion or by use of other methods. Even in England there is doubt whether immorality is not more prevalent in the cities than in the rural districts.

On the continent conditions are apparently reversed as is shown in the statistics presented for Bavaria and for France.[34]

RATE OF ILLEGITIMACY PER 100 BIRTHS

France (1911)		Bavaria (1910)	
Paris	24.0	Munich	26.8 (06)
Cities 100,001 to 550,000	18.1	Cities 20,000 and over	20.7
Cities 30,001 to 100,000	15.1	Cities 2,000 to 20,000	11.0
Cities 20,001 to 30,000	12.2	Cities under 2,000	9.5
All France	10.2	All Bavaria	12.3 (11)

[34]Statistical Year Book of Bavaria and Statistical Year Book of France.

Here we see that as the size of towns and cities increases the percentage of illegitimacy rises. Not only is this true, but the largest cities have more than twice the proportion prevailing in the small towns. Without doubt this represents a real excess in the cities as migration cannot account for more than a small percentage of the difference. Similar facts apply to such countries as Austria, Sweden and Denmark, where the large cities report excessive rates of illegitimacy.

In the United States the statistics are still so meager that little information of value can be added. Especially is this true in view of the general inaccuracy of birth statistics. The figures for Ohio in 1909 indicated a rate of 38.8 illegitimate births per 100,000 population in cities and of 55.2 in rural districts. The rates in the large cities of Cleveland and Cincinnati, however, considerably exceeded the rural rate. Although these are crude rates, they would still appear to the disadvantage of the country if allowances were made for differences in conjugal conditions and other factors. On the other hand, in Michigan, the urban rate is more than 50 per cent above the rural rate and the largest proportions are also found in the biggest cities. In Wisconsin the rate for 1913 was 1.5 per 100 births, but in Milwaukee it was 2.7, or over 60 per cent higher than the average for the state and nearly twice the rate for the remainder. The figures for Ontario, Canada, are likewise interesting in this connection. For the entire province the rate in 1915 was 2.2, but for the cities it was 3.6, while for the towns it was only 1.4. For Ottawa it was 7.0 and for Toronto 4.27. Here the cities have much higher rates than the small towns which are often denounced for their reputed immorality. The figures for Ontario, however, do not justify this charge, since it is clear that the rural rates are higher than those for the towns. So far as American statistics are available the preponderance of fact is clearly in favor of lower rates of illegitimacy in the rural districts.

Proportion of Unmarried Men and Women

Among the factors that influence illegitimacy rates is the excessive disproportion of unmarried adults, especially if accompanied by unfavorable conditions as to housing and economic status. In his study of causes in England, Nixon has attempted to correlate the varying rates of illegitimacy with certain other factors. He concludes for example, that the employment of unmarried women is not correlated with illegitimacy, and that even if rather definite relations existed, the statistics would probably be vitiated because of the greater prevalence of preventive methods among the occupied women. A comparison, however, of the relative number of unmarried men and unmarried women, and the rates of illegitimacy, indicates a decided correlation. The presence of a large unmarried population of both sexes leads inevitably to high rates of illegitimacy. Where the proportion is large among the members of one sex only, the correlation is not definite. That the rates are influenced thereby is quite probable. Borosini thinks that the presence of many unmarried women leads men not to marry, and, therefore, increases illegitimacy. Westphalia, with a surplus of men has a low rate of illegitimacy, while Bavaria and Carniola, with a surplus of women, have high rates, the latter province reaching a proportion of 38 per cent. The author, however, believes that other causes are responsible for such correlations as may be found between these conditions.

The excessive rate in many cities is partly influenced by the presence of large number of single men and women. This is particularly true of cities visited by seamen, travelers and other unmarried men. The constant migration of young unmarried persons from the rural districts to the cities results in an excessive disproportion of single men and women from twenty to twenty-five years of age in certain industrial and commercial centers. Abnormal conditions in this respect seriously modify the rates of illegitimacy in such cities and must be considered in comparing them with the rates prevail-

ing elsewhere. Where men preponderate and the number of women is small, naturally the rates of illegitimacy should be low, but where women are in the majority many must remain unmarried, with a consequent encouragement to illegitimacy.

The Putative Fathers

The fathers of illegitimate children have received but little attention from the statistician. Only too often facts about fathers are not recorded and the few figures attainable are not representative of them as a class.

The following statistics giving the ages of groups of men and women in Boston and Philadelphia throw some light on the age differences that exist:

AGE DISTRIBUTION OF PARENTS*

LOCALITY	Number cases	Percentage			
		Under 21	21-24	25-29	30 and over
Philadelphia					
Men	240	19.1	35.4	23.0	22.5
Women	271	49.0	29.1	14.9	7.0
Boston					
Men	119	12.6	43.7	27.7	16.0
Women	317	33.4	43.8	14.8	8.0

The figures for Philadelphia indicate that nearly one-half of the women but less than one-fifth of the men were under 21. The median age for the men is between 24 and 25 or about three years more than that of the women. Of those above 30 the men outnumber the women three to one. The differences recorded for Boston are less striking. Both men and women average a higher age than that prevailing among the Philadelphia groups. The modal age in both in-

*See Studies of Boston Conference on Illegitimacy, and Report of Philadelphia Municipal Court, 1915.

stances falls into the age group 21-24 years. Beyond 25 the men are twice as numerous as the women. The case of one man was recorded who had reached the ripe old age of 74. On the whole the age differences are very similar to those prevailing at the present time among married couples, but the absolute age distribution of the men is not necessarily typical of the entire group because the cases considered in the foregoing table are few in number and drawn from special sources.

The Cincinnati study obtained similar results. It was discovered that 20.8% of 258 men whose ages had been ascertained were under 21. Almost exactly one-half were from 21 to 25 inclusive. Over 70% were under 26 years. However, 11% had passed their thirty-sixth birthday, a proportion very much higher than that prevailing among the women.

The civil condition of the father differs from that of the mother, a fact which interferes considerably with the satisfactory handling of a case. Very few of the mothers are married or, if they are, live with their husbands. A few are widowed or divorced. The fathers, on the other hand, include a large percentage of married men, probably from 10 to about 25 per cent. A goodly proportion of the older men fall into this class. Naturally they are guilty of adultery as well as being the fathers of illegitimate children, and, therefore, the problem which they present is more difficult and complicated than that of the simple-minded unmarried woman.

The mentality of the men is of a distinctly higher grade than that of the women. It is not probable that very many of the men are feeble-minded, otherwise they would hardly be able to victimize young women. Again, the subnormal male is more likely to use violence and eventually come to grief. Furthermore, he is avoided by normally minded girls and only the weak-minded are in danger of becoming his victim. But few of the men are illiterate and many of them are well-educated. Some, in fact, are preparing themselves for

a professional career. Illegitimacy often results from carrying out a vicious code of morals according to which a given group of men feel bound to protect the young women of their own social stratum, but consider those of a lower stratum as legitimate objects of prey. As a consequence, many of the latter group are ruined, but the men manage to find means of escape or at least to evade their just moral and financial obligations. The condition is well illustrated by the fact that so many students, professional men and artisans are included among the reputed fathers.

So far, however, only a few simple facts have been gathered. In no state do the birth certificates give complete information about fathers. Accordingly, we must rely on the fragmentary evidence that can be ascertained. In St. Louis during the years 1910, 1911 and 1912, some information respecting the fathers was recorded, and the occupational distribution of 343 white fathers was obtained. No less than 58, or one-sixth of the total, were classified as farmers, but this high proportion was due to the large migration of expectant mothers from the country districts. Nearly as many were registered as salesmen, and there was a considerable sprinkling of miners, bartenders, waiters, bakers, chauffeurs, butchers and barbers, and a few physicians as well. In fact comparatively skilled trades and well remunerated occupations furnished a considerable percentage of the total. On the other hand, nearly one-third of the entire number were classed as laborers, and probably the great majority of these were unskilled.

Similar information concerning 143 putative fathers in Boston discloses a great variety of occupations, many of them of a decidedly responsible character. Here students contributed entirely too large a proportion of the cases. A careful investigation of the occupations of 256 men involved in bastardy charges in Philadelphia gave the following results: Factory workers 44, skilled laborers 38, unskilled 29, chauffeurs and teamsters 24; then followed small

tradesmen, the transportation service, building trades and clerical occupations with about a dozen each. The remainder were scattered among many occupations, most of them of comparatively high grade. In fact the majority of these men were employed in economically desirable occupations.

The figures relating to the occupational status of the reputed fathers in Cincinnati indicated that common laborers formed the largest number of any single group. These were followed in order by artisans, factory workers, railroad men, clerks, farmers and traveling salesmen and form a series somewhat similar to those obtained from the other cities.

The figures for each of these four cities are based on considerably less than one-half of the cases of illegal paternity and it cannot be assumed that the unknown cases follow an occupational distribution similar to that of the known.

These meager facts, although insufficient for statistical comparison, point clearly to a relatively superior attainment in industry. The burden of illegal paternity rests lightly on the offending men and a large number of representatives of so-called better classes become involved. Only too often women are victimized because of a false allurement and a promise, the fulfillment of which never was intended. Nevertheless, little is definitely known about the exact social, civil and economic conditions of the men, nor will there be until paternity is regularly determined. Then their social history will be disclosed and light be shed on the nature of the problem which the men present.

CHAPTER III

COMMERCIAL AGENCIES FOR THE CARE OF MOTHERS

Before undertaking to discuss the commercial maternity homes that exist so widely throughout the United States we need to call attention to a practice that frequently makes the use of such homes unnecessary. Sometimes, however, the maternity home itself is guilty of carrying on the practice. The evil referred to is abortion.

Abortion

The woman who faces the condition of unlawful motherhood is usually most unhappy. At first she hopes that a miscarriage may occur, but usually she is not willing to bring this about directly. Often her moral impulses revolt at the thought and sometimes she fears the possible physical consequences, such as fatal disease, permanent injury, or loss of fertility. Later on a large proportion of women begin to think about the child, its probable condition, appearance, resemblances, etc., and they hope that they will never see it. At any rate they hope to dispose of it and to forget all about it.

The evil of abortion is not confined to unmarried mothers. It is well known that many married women employ this crude and criminal method to limit their living off-spring. In fact, the majority of abortions occur among this class. It is also known that some physicians cater to this practice and perform abortions. Occasionally, such physicians are discovered and sent to prison; more often, however they grow opulent from the rich fees secured for their criminal practices. The Wisconsin Vice Committee made a study of abortion in connection with its investigation of illegitimacy

and among its conclusions are the following statements:[36] "There is a large number of physicians and midwives who not only perform operations for abortion, but even encourage the practice. In one small city the investigators readily found two doctors who were willing to take cases for abortion. In another city six doctors were found. Many instances were cited in which the evidence showed that unmarried girls are being advised of this way out of the difficulty and were consequently more ready to take a chance than they would otherwise be. The ordinary charge for producing abortion is from $50 to $100."

Abortionists are found among both male and female physicians. They usually operate in a clandestine manner, while the hapless girls promise secrecy and maintain their promise. If the girls are in the early stages of pregnancy they are probably advised to use some prescribed drug, but later on an operation may be deemed necessary. Physicians frequently make hospital or sanitarium arrangements for the patients, and it is expected that in ten days or two weeks the girls will again be well. Prices vary somewhat according to the length of time required. Many physicians arrange with others in different cities so that if necessary girls may be sent to the adjacent cities either for treatment or convalescence. Many unmarried girls, especially those living in larger cities and who have become sophisticated by considerable contact with many phases of human life turn to the abortionist for relief in time of trouble but the country girl whose standards of morals are usually higher than those of the city girl hesitates to do so, nor is she so ready to undergo the risk involved. Furthermore, the well-to-do and mentally alert, but morally oblique girls frequently practice abortion. In fact, so common is this practice that only a small proportion of this class of girls become mothers. As a result the evil

[36]Report of Wisconsin Vice Committee—pp. 137-147.

of illegitimacy is largely confined to the ignorant and the poor.

In spite of stringent laws providing for the punishment of offenders many abortionists operate with little fear of exposure. Greater vigilance among both physicians and the laity is necessary to detect these criminals and impose on them their well-deserved punishment. Abortion is not only a crime in which physician and patient are co-partners, but it leads to continued immorality and without doubt to prostitution as well. In other words, while it may relieve the individual for the time being, it is most demoralizing to society and it is not a preventive measure but simply a means of apparently reducing the objective effect of immorality. It, therefore, increases the evil it is designed to correct. And if it could be condoned from the standpoint of the unhappy woman relieved of the care of an unwanted baby, it cannot be pardoned from the standpoint of society, which can under no conditions tolerate that disregard for human life which is involved and which if not rudely prevented threatens to undermine those fine feelings of human sympathy so necessary for our civilization.

Maternity Homes

In many states there may be found a flourishing institution known as a maternity home. This is operated on a commercial basis usually by physicians, nurses or midwives, and the conduct of the institution is determined by financial motives. Maternity homes of this character usually secure their patronage through the medium of advertisement. Accordingly, we can find in many newspapers in various parts of the United States, advertisements such as these:

Confinement Home: ladies received before and during confinement; adoption if desired; part pay in work; physician and midwife in attendance. Strictly confidential. Call or write, X Street.

Mrs. X, licensed midwife, receives ladies before and dur-

ing confinement; best of care; strictly confidential; patients met at station. Resident physician. Call or write, X Street.

Ladies! We treat all female troubles; consultation free; resident physician; ladies received before and during confinement. Mrs. ————, X Street.

The above sample advertisements clearly carry on their face the nature and character of the business handled. The significant points are the following:

Physicians, midwives and others conduct the institutions.

There is an appeal to girls outside the city.

The work is carried on clandestinely.

The child may be disposed of by the mother.

Abortion is in some cases hinted at.

Girls may give part pay in service.

The appeal is directed especially to unmarried mothers, who are the principal persons disposed to ask for or accept conditions of the type mentioned. Nevertheless, since many married women desire to procure abortion, this group is frequently represented at some of these institutions.

Another form of advertisement consists of circulars or letters sent to physicians advising them where to direct girls that are approaching unlawful motherhood. In this way, friendly, or at least business, relations are frequently established between physicians and midwives on one hand, and maternity homes on the other.

Girls from the country and other cities accordingly drift to the maternity homes in the larger cities. Likewise, girls from within the city are directed to them by friends, by the police or even by social agencies. The private commercial maternity home cannot ordinarily accept "charity" cases, but it will take the girl if she can pay most of the charges, which, however, are not uniform, or if she can be of service in the house. Occasional maternity homes cater to the comparatively well-to-do; their rates are correspondingly high, and little is known of the details of their work. The majority of

homes aim to meet the needs of those who are not compelled to rely on charity. Ability to pay is the chief condition of entrance. Previous immorality or disease are not reasons for excluding them.

Owing to the desire to keep their conditions unknown to friends at home and to the inability to continue work as long as in the case of the married woman, many pregnant girls enter the maternity homes from two to four months before confinement. Maternity homes, by providing accommodations of apparently various degrees of comfort and excellence, are able to graduate their charges so as to make them conform to the size of a woman's purse. Accordingly, a lump sum may be charged for the service rendered and all the incidentals be included, or there may be a separate charge for each, for board, delivery fee and adoption charge. Board varies considerably and thus gives opportunity for various rates to patrons. Charges range from $5 to $20 per week. The fee for delivery is probably $25, sometimes a little more, and adoption charges range from $5 to $50. The total cost of a month's stay in a maternity home, therefore, varies from about $50 to $200. If the girl finds it necessary to stay longer, the cost is, of course, heavier, but the only items that increase are board and medical attendance. Nevertheless, a charge of $150 to $200 easily accumulates. These possibilities appall many girls who accordingly find themselves compelled to patronize some philanthropic institution or agency. The following table gives the cost to the mother in the various commercial institutions in a certain city:

COST OF MATERNITY HOMES

Institution	Board per week	Delivery fee	Uniform prices	Adoption Adoption	Adoption Charge	Cost for 4 weeks including adoption
1	$ 6	$25	No	Yes	$15	$ 64
2	10	25	No	Yes	5-25	90
3	6	25	Yes	No	None	49
4	18	35-50	No	Yes	35-50	145-175
5	*	*	No	Yes	*	125-150

*Cost included in lump sum for four weeks' care.

These institutions give evidence of a considerable variety in the amount charged for the service rendered. The greatest differences occur in the cost of board and the adoption fee. Without doubt the woman falling into the hands of one of these homes is practically helpless and must accede as far as possible to the wishes of the person in charge. In spite of these charges, the adoption fee demanded by foundling asylums is often equally high if not higher. The benevolent institution, however, has a two-fold motive in making this charge. First, it expects to find a good home for the baby, and second, it usually wishes to discourage the mother from relinquishing it. The adoption fee charged by many maternity homes is frequently almost clear gain as practically no effort is made to find decent homes for the babies.

Commercial agencies are not particularly concerned with the moral rehabilitation of the mothers and they have usually intimated to the applicants that they will, if it is desired, dispose of the child. In fact, in many cases they urge the woman to give up the child at once, so that the way may be opened for the erring ones to return to their friends and homes without suffering disgrace and ostracism. They do not go so far as to investigate the social effects of such action, otherwise advice of a different nature might be given.

In case maternity homes find it convenient to take the

child away from its mother it becomes necessary to find a private home for the child. Many institutions have lists of families who are willing to adopt or at least take children, and if a child is to be placed they notify one or more of these families and dispose of the child. Frequently, however, the lists are small or unsatisfactory and the newspaper advertisement is again used. Accordingly, we find in the newspapers under an appropriate heading, usually the caption "Personal," or "Medical," a significant line such as this: "For adoption—fine baby boy, Mr. C" or "Adoption; a pretty baby girl may be had for the calling."

Many maternity homes habitually endeavor to separate the baby from the mother. Frequently, maternal feeding is never allowed and the child is bottle-fed from the beginning. Every precaution is exercised to prevent the mother from becoming attached to the child. Generally, the mother begins without natural affection for her baby because of the sorrow and trouble accompanying her motherhood and if the mother never sees her child there is little opportunity for the ripening of any sentiment of love or of the development of any attachment for it. In addition there may be considerable financial gain in acting as agent in placing the baby in some foster home.

Uusually the charge for handling babies is as high as the traffic will bear. Consequently, charges are not uniform and depend on the demand for babies, the type and vitality of the children, the resources of mothers and other considerations. Whenever possible, two fees are collected; one from the mother for the service of removing and disposing of her baby; the other from the person or family taking or adopting the child. In some cases the cost to the mother is included in the charge for care and confinement. In others it is an entirely independent propostion and the charge or fee is fixed after more definite knowledge concerning the mother and the appearance and saleability of the child has been gained. Undesirable babies, therefore, must in some cases, be given away,

and occasionally paid for. Ordinarily, however, the mother must pay from merely nominal sums to $50 for the service. The person receiving the child pays for the notaries' fees, cost of advertising, temporary care of the child, profit on transaction, etc., and the amount charged will vary as in the case of the cost to the mothers.

When babies are farmed out to their care-takers additional precautions often become necessary to prevent the mothers from recovering their babies and making trouble for both the maternity home and the foster parent. One of these consists in neglecting to keep track of the whereabouts of the children. In fact, such carelessness exists that babies are frequently given to applicants without the institution management's knowing anything about the character of the foster homes or even their address. An investigator in St. Louis inquiring at one of these homes for a baby for a friend was told and even urged to take the baby away with her, although the institution knew nothing about the social and moral status of either the investigator or her "friend." In Chicago in reply to the question, "What shall we bring to get the baby?" implying evidence of one's eligibility for the care of an adopted baby, the simple reply was, "Oh, bring a shawl."

The inquiring mother, therefore, will learn that no one knows where her baby is and that it would be impossible to trace it. Again, it frequently happens that the maternity homes intimate to the mother that her baby has died and thus cause her to cease wondering and worrying about its comfort and condition.

These haphazard methods of trafficking in baby lives are aggravated by the signal failure to require the legal adoption of the babies. The maternity homes desire the least publicity possible and as little connection with our legal machinery as necessary. Therefore, they do not usually file adoption papers, and if anything is done at all, it must be on demand of the foster parent. Frequently, he is too ignorant to

understand the importance of this act, or he connives in the failure to make out a deed of adoption, thus relieving himself of full responsibility for the child later on, should the acceptance of such responsibility prove burdensome or undesirable. That a heavy mortality occurs among these babies is practically inevitable. The incompetent homes so commonly used for the placement of the babies are so neglected that dire consequences are certain, although adequate investigations along this line have not been made. Some of the abuses are due to the greed of the maternity home. For example, a mother may pay the institution the required adoption charge, thinking that the child will be properly cared for and placed out in an appropriate home. Instead of this plan being adopted the institution sells the baby for whatever price it may bring ($10, $15, $25, etc.). Often the baby cannot be disposed of easily and so it remains in the home, languishing and neglected or it is finally placed in charge of a "baby farm," where it will probably die in a few months because of the ignorance, filth and neglect of the caretakers. The following facts describing conditions formerly obtaining in a state of the Middle West illustrate this problem.[37] Mrs. ——— conducted a maternity hospital and boarding home for infants. She received $25.00 to find a home for a baby several hours old. She tried to double this sum by selling the child but failed. She kept the child for three months when it died because of improper feeding. Four other infants in her care died within a period of eight months. Another woman, who for years has been receiving and finding homes for illegitimate infants, carried on this work without any consideration for the welfare of the child. An infant was placed by her in a home from which children had been received by the Board of Children's Guardians because the people were regarded as unfit to care for them.

[37]Twentieth Annual Report of the Board of State Charities of Indiana, p. 194.

The evils that result from conditions such as these in states that exercise no adequate form of public control over commercial institutions are most alarming as has been shown by several investigations conducted to ascertain facts. Unfortunately, the full extent of the problem cannot be unearthed. In all large cities where there are no proper regulations a considerable number of commercial maternity homes may be found quietly carrying on their business. How many babies pass annually through these homes? How many die in infancy? What finally becomes of the mothers? These are questions that cannot be readily answered. In St. Louis in one month twenty-two babies were advertised by maternity homes for adoption. A rate such as this if continued reveals an appalling situation. Of course these babies are not all illegitimate and consequently the problem here is not exclusively one relating to illegitimate children, but there can be no doubt that the majority belong to this group. Again, the vital statistics do not give the complete facts in regard to the number of babies born in such homes. Any estimate of the number of infants handled would, therefore, have but little value.

In Chicago according to the Juvenile Protective Association more than 1000 infants are annually lost sight of. It is known that they are born but there is no traceable record of their deaths although they have disappeared, for they are never heard of again. In many cases the birth records are not made out or are incomplete or are not sent to the bureau of vital statistics for many weeks. Again, a large number of illegitimate children are classed as legitimate and the community has no means of knowing the actual gravity of the problem.

In Indiana the Board of State Charities, after it was empowered to license and control maternity homes, received many applications for the conducting of such institutions. After investigating the subject the Board discovered that the evil was a serious one and it therefore refused licenses in

many cases, reduced the number of maternity homes and raised the standards of the remainder.

In conclusion it appears that the uncontrolled commercial maternity homes are a distinct social menace. The problem of illegitimacy cannot be solved by their methods. The guarantee of "secrecy" to applicants is a dangerous offer and merely aggravates the problem. The inducement to mothers to dispose of their children is dangerous to both mother and child. The former loses the one transforming force that can bring her back to a wholesome, joyous, normal life—a suckling babe. The latter is buffeted from pillar to post and eventually is swept into eternity. Such agencies make no attempt to discover the father of an illegitimate child nor to require him to share in the burden of child care. This task has no financial value for them. No special attention is paid to the development of character in the woman. Why should there be? The homes are paid to handle the case and there is no need of meddling with the private concern of individuals! Trades and occupations are not taught, and women may be forced to leave the institution utterly helpless to maintain themselves, especially if their former homes are closed to them as is frequently the case. Usually, records of the children are not kept and the tracing of the history of the children is made impossible. Likewise the facts collected about the women are so few that nothing can be accomplished with them. In short, illegitimacy is a problem of tremendous social significance and cannot be adequately handled except by persons animated with lofty social ideals and trained to work out each individual problem in reference to its bearing on the general welfare of society. Women cannot be made moral on a profit basis. Illegitimacy will not decline if commercial agencies are allowed to plan methods of care and control. The question must be approached from the standpoint of public welfare. Then and not until then can we expect to evolve a workable plan for the care of un-

married mothers and illegitimate children and for the prevention of the evil directly.

CHAPTER IV

PHILANTHROPIC AND PUBLIC AGENCIES

Aim of Philanthropic Effort

As our social work is now organized both public and private agencies come in contact with the unmarried mother and her child. In handling this problem the agencies should be guided by the thought that the highest social good rather than individual welfare must result from their efforts. There was a time when the mother received the most consideration. When she was allowed to bring her baby to the cradle tower, deposit it without being seen, ring a bell to inform the attendants of her act, and then depart from the institution with the consciousness that the baby would be cared for, (how she did not know, for most of the babies died), when she was permitted to do all these things, it was supposed that she could return with impunity to her people and her community and begin life anew. The evils that followed this method of operation, however, were most serious and other plans became necessary. Later on the claims of the child received first attention. This occurred gradually as the fact of the innocence of the babies began to dawn upon the public. Accordingly the emphasis was shifted from mother to child and the chief object of consideration in a bastardy case came to be the child. Much of our legislation past and present is based on the theory that the child is the pivot around which circle the other interested parties; and there is no doubt that the mother can be best reclaimed by using the child as means of reformation and that the chief way to reach the father is through the child. While father and mother are individuals inclined to independence, the baby is the foundation of a family and holds parents together. Society has imposed certain disabilities on illegitimate children and these

handicaps may have had a certain amount of justification in the past. Recently, much sentiment has been developing in favor of removing all handicaps and granting to such children total immunity from the sins of their parents. The propaganda is based on the fact of the innocence of the children and the apparent injustice of a vicarious sacrifice on their part. Again, while our sympathy is with the child and we hope that he may not suffer unnecessarily, still the mere innocence of a party does not always obviate freedom from suffering. The attitude which must finally prevail is one which harmonizes best with the advancement of our social and moral welfare. It is to be hoped that innocence will not have to suffer in order to accomplish the highest good, but if it does, then this sacrifice must be borne and the illegitimate child suffer in order that future generations will become more moral and illegitimacy be wiped out. This consummation would represent only one of the many vicarious sacrifices now undergone to accelerate our social progress. All progress is purchased at the cost of some one. It is not clear, however, that any disabilities are necessary to check illegitimacy and we may as well greet the coming of the day when the unjust discriminations of the past will be outlawed and forgotten.

In recent years the attitude of reformers has been deflected somewhat and attention focused on the father. After all, he is at least a co-ordinate, if not the principal or dominant, factor in the problem. Regardless of all solicitation or efforts by women to entice men, the fact remains that all cooperation by men in immorality is entirely voluntary and cannot be the result of physical force, or even of persuasion that does not listen willingly to the voice of the tempter. The essential aggressiveness of masculinity and the physical leadership of man in immorality at once dispel to all thinking people the notion that male responsibility is not equal to that of the female. As the mist of prejudice is gradually dispelled the responsibility of men for sexual offenses will

be enforced, and in the handling of illegitimacy cases men will receive attention commensurate with the share of the burden that they should be obliged to bear. From the standpoint of society as a whole, it seems probable that male responsibility will be enforced with increasing determination, since such a line of attack must seriously affect the reduction of immorality.

In summarizing the discussion of a principle of approach, we must emphasize the fact that in every case of illegitimacy three persons are involved,—father, mother and child—but the policy pursued must subordinate each of these to general considerations of social welfare. Society is composed of men, women and children, but it is also bigger than any man, woman or child and we must do what is best in the long run for society.

From the philanthropic standpoint the care of mothers and children takes one or more of the following forms: hospital care of mother before and during confinement; the separation of mother and baby; the development of a plan to keep mother and child together and make them self-supporting; marriage of mother to putative father; institutional care of subnormal women; support of child by its father.

Municipal Hospitals

According to the statistics the great majority of expectant mothers patronize some institution, either commercial or philanthropic. A group of benevolent institutions have arisen to meet the need of hospital care. Usually the municipal hospital in every large city has a maternity ward which receives poor mothers both married and unmarried, cares for them during the lying-in or confinement period, and for a short time afterward, but not generally more than two or three weeks. Although such hospitals are erected to care for the indigent residents of a city, in actual practice a considerable number of the unmarried mothers are migrants who have entered the city shortly before their application to the

hospital. The lack of a system for returning girls to their home communities and the frequent absence of facilities for their care in such communities are important causes of this condition. Nevertheless, very little attention has been paid by the municipal officials to the question of responsibility for the expenses of confinement and of medical care. Only too often the one service performed by the hospital is care during confinement, so that as soon as she is able to leave the young woman is required to try her fortune in a friendless and unfriendly world. In some instances, however, efforts to deal constructively with the mothers have been made. These efforts consist in bringing about a reconciliation and marriage of the parents in a small number of cases; in the return of mothers to their homes when this is possible and congenial to the women; in finding suitable employment for them so that they may keep and support their babies; and in arranging for separate care of babies when the unwisdom of keeping mother and child together becomes apparent. A serious difficulty confronting a municipal department is the lack of emergency aid funds to equip women for the acceptance of suitable positions; furthermore, the task of follow-up work is so tremendous that little attention is paid to any woman after she has been placed for the first time. The woman with a baby has to find employment where she can minister to the needs of the baby; consequently, domestic service forms the principal variety of work available. The institution has no facilities for training women for useful employment, therefore, the ignorant and untrained girl can not be sent into the best positions, but must accept those of inferior character and often in an unsatisfactory environment where new temptations beset her and contribute to a second lapse from virtue. Formerly, municipalities placed the unmarried mother in the almshouse and in many rural districts this is still the method of public institutional care. So demoralizing is this policy that it is rapidly being abandoned in favor of hospital care, and, when necessary, private institutions or societies

are invoked to carry out the program for the unfortunate women.

Rescue Homes

The private philanthropic institutions are of two varieties, rescue homes and maternity homes. Many rescue homes are operated by religious groups, some of a rather denominational character that rely unduly on so-called "faith" for funds to operate the institutions. These homes usually take girls who are or have been immoral, but do not accept maternity cases. They are not hospitals and if hospital care is needed they will send the girl to an appropriate institution. Should the baby die or be relinquished by the mother, they will gladly continue the work of reform. Although the principal function of a rescue home is to deal with the "fallen women," some of these homes are also engaged in working with the unmarried mother. For example, the Florence Crittenton homes engage in preventive work and among their rescue work include "caring for girls facing unmarried motherhood." Usually these homes are not equipped with hospital facilities but unmarried mothers and their babies are received shortly after the birth of the babies. They endeavor to limit themselves largely to girls who have taken but a single misstep and the hardened prostitute is, therefore, seldom received, while the young girl, ignorant or wayward, forms the chief object of concern. The Chicago home places the average age of the girls cared for at 16. The various homes in the United States are said to care for 5000 girls per year.

The Crittenton homes resemble each other in the general nature of their work and in their rules and discipline. The Home in Chicago may be taken as an example. According to the rules, every girl must, unless because of exceptional conditions, remain in the institution six months or longer. Girls may return when out of work or in need of assistance, but none will be again accepted who have repeated their offense. The work in the Home is done by the girls, and discipline of

a parental character is invoked. The young mothers are expected to keep their babies and all of the girls are encouraged and to some extent trained to become self-supporting. A religious atmosphere pervades the Home, but it is not oppressive and develops in a large proportion of the girls a character capable of withstanding temptation. Employment is found for the girls, or they are sent home or to friends.

The first Crittenton home was founded in 1884-5 and at present there are more than 70 of these institutions in the United States.

Another variety of rescue home is that conducted by the Salvation Army. There are twenty-two of these homes in the United States, all of them under the supervision of the national organization but supported locally.

The heads of these institutions frequently advertise in the newspapers, offering care, a home, and friends to girls who are in trouble. Accordingly, a goodly proportion of the girls patronizing these homes come from outside the city, that is from the country districts or the small towns. In many respects the method employed is similar to that of the Crittenton homes. Usually, however, there is no definitely required length of stay. The institution appeals to the girls from the standpoint of religion, which is very essential in most of the cases; it uses them for the performance of the work in the homes, tries to train the inmates for domestic service, finds employment for as many as possible, reconciles girls to their relatives and former friends if possible, and engages in a mild form of follow-up work. While records are kept they do not usually, if ever, meet the demands of the experienced social worker, who insists on carrying out a program of rehabilitation until assured of permanent success. Speaking of the work of the Salvation Army Rescue Homes in England the Minority Report of the Royal Commission on the Poor Laws says:[38] "We have been much impressed by

[38] See pp. 83-94.

what we have learned from various sources of the invigorating and restorative effect of the treatment of a large number of girl mothers annually dealt with in these Homes, and by the practical wisdom and administrative skill displayed in all the details of their management. We think that the methods adopted in these Homes merit careful study by those who may be responsible for dealing with the problem at the expense of public funds." Surely, a splendid tribute to the work of these homes in England! Were their superintendents better educated and better trained, but filled with the same fervor for humanity and desire to do good the results would be even better than those actually accomplished.

Most of these institutions usually suffer from the handicap of a lack of funds; therefore, they fail to accomplish much that the persons in charge desire. Furthermore, they frequently lack adequate facilities for the industrial training of the girls.

English "rescue homes," of which there are about 300, work chiefly with girl mothers having a first illegitimate child, and keep them from three months to one year. Foster mothers are frequently found and the real mother as soon as possible required to contribute toward the child's support. Meanwhile, an interest in, and love for, the baby is developed.

Maternity Hospitals

The large cities are all provided with a number of private charitable maternity hospitals and homes. The Catholic church usually has a foundling asylum which also admits unmarried mothers. Frequently, there are Protestant hospitals of a similar variety, and, of course, non-sectarian institutions as well. These hospitals and homes, in addition to the public institution or institutions, provide confinement facilities for a large proportion of all the unmarried mothers in a community. The figures for St. Louis show, for example, that in a typical year 59.8 per cent of the mothers passed through these private and municipal hospitals. As is shown elsewhere, the

majority of women have patronized institutions. If the number admitted to commercial maternity homes is deducted, it is probable that more than one-half of all the known cases will still have come under the care and influence of public and philanthropic institutions. In a sense, all of these are social agencies, and, while many of them may not and do not deal constructively with the unmarried mother, there are no inherent reasons why they may not eventually do so. Antiquated methods, lack of social perspective and conservatism of religion, physicians and many social workers, are the causes of failure to attempt the needed rehabilitation of the women cared for. The time will come when every hospital engaging in philanthropic work must establish a live and active social service department which will deal adequately with the problem of the individuals handled.

In actual practice the benevolent institutions differ so widely from each other in character and method of work that no general statements applicable to all can be made. Some of them refuse to admit a woman about to give birth to a second illegitimate child, while others do not discriminate. Nevertheless, the women are usually alert on this point and deny any previous offense, and the records are ordinarily not sufficiently complete to detect the imposture.

Expenses in these institutions are far from uniform, many girls may work for the treatment they receive,—an opportunity frequently sought, especially by the girl forced to seek admission to an institution several months before confinement. Pay patients are charged from five to twenty dollars a week, depending on the class of room and the amount of attention necessary. Several weeks of stay may, therefore, incur a considerable bill. In the majority of cases a delivery fee is charged and this is frequently fixed at $25.00, but occasionally at a higher figure. How far maternity hospitals develop responsibility in unmarried mothers is problematical. Unless girls are encouraged, yes required when possible, to keep their babies and plan to support them little energy is

spent in developing responsibility. Unless a normally minded woman is compelled to bear her share of the burden her character is weakened and she is in danger of ultimate ruin. As for the weakminded girl, her problem is inextricably bound up with the program for the care of the feeble-minded. Very young girls, however, are often so oblivious of the duties and sacredness of motherhood that to force them to try to support and rear their babies is almost criminal. It will not result in character development and probably means neglected infants.

The problem of rehabilitation is an individual one, and each girl needs a separate diagnosis and appropriate treatment. It may be urged, however, that in the majority of cases, mother and child should be kept together.

In view of these facts it is interesting to note that not only the commercial institutions, but many philanthropic ones as well, make provision for the adoption of children. Two of the four private benevolent institutions in St. Louis have fixed charges for adoption, the prices being $50 and $100 respectively. In one year, the former adopted 30 per cent of the children born within its walls.

Frequently these institutions get into communication with the parents or relatives of unfortunate girls and urge them to relent and become reconciled. It is usually difficult to persuade relatives that the best interests of all require the girl to keep her baby and to return either to her home or go out into the world resolved to support her child. So many people think that if the baby can be adopted or taken from its mother that the latter can return to her home community and be promptly restored to her former respectability. In actual practice, this is not true, but people are not easily convinced. Nevertheless, a large number of girls are returned to friends, usually to their old homes, to begin life anew and to receive help in caring for their babies. Unfortunately, even the benevolent institutions have not developed adequate facilities for the training of the girls. Many young women

are utterly unprepared for any occupation or at least for the occupations now available for them. The new conditions frequently require them to abandon their former pursuits and to start a new one which provides the girl with a good environment and adequate oversight by some responsible person, and at the same time insures the possibility of keeping mother and child together. Almost the only training afforded is in domestic service. This field, however, cannot absorb all of the women in need of employment. Consequently, new fields must be discovered and training provided for the new occupations. In some cases a temporary arrangement is possible whereby the mother can board her baby with some private family and follow an occupation for which she has been trained.

A very important part of the work with these unmarried mothers is the supervision given them after they have left the institution. There should be full records of every case and the history of each should be kept up to date until the woman is discharged from care. At least a year of such supervision is necessary and during this time frequent reports should be received and occasional visits made. In no other way will the institutions or hospitals know that the new environment and social conditions of the woman are congenial and uplifting. The work for unmarried mothers has almost no constructive value unless social service departments are organized in every maternity hospital and a program of supervision such as that suggested above is instituted. Few hospitals have as yet established such departments and their work must consequently be considered as decidedly inferior. It means that little or no attempt is made to reach fathers, to press cases in court, to compel paternal support or aid, to develop responsibility in the community from which the woman comes, or to solve the serious problems of aftercare. And the hospitals have a splendid opportunity, for they have under their care for a short time at least, more

than one-half of all the unmarried mothers whose cases are recorded in the large cities.

In this connection may be mentioned the work for unmarried mothers by the Massachusetts State Board of Charity. Massachusetts has a state infirmary to which are annually admitted about one hundred women pregnant for illegitimate children, practically one-half of whom are repeating offenders. The state board through its Committee on Social Service supervises the after-care of the women and children discharged from the state infirmary and has been dealing energetically with the cases coming under its control in various ways, such as returning women to relatives, or to friends, finding positions, deporting alien women, arranging for the commitment of defectives to the proper institutions, initiating proceedings against putative fathers, and even effecting marriage. Owing to the low class of women received at the state institution the task of this committee is peculiarly difficult and the success attained spells the price of diligent endeavor. In 1913 the Board asked the local poor officials to notify it of pregnant girls before sending them to the state infirmary and as a result 82 applications for advice were received. Arrangements were made for the care of 64 girls apart from the state institutions, while the remaining 18 were admitted, they being unacceptable to private societies because of disease or of previous similar offenses. Since then the police, many hospitals and other authorities as well have often referred cases to the Board and out of these necessities the Committee on Social Service has developed a large field of service. After the nation-wide campaign against venereal diseases was begun many diseased girls were accepted at the state infirmary and plans developed for their care and treatment, always with the view of preventing further sex irregularity.

Every free and easy method of escaping the natural consequences of unlawful motherhood has proven socially undesirable since it has increased immorality and illegitimacy. Many modern maternity hospitals have not grasped this fact;

otherwise they would not enable mothers to dispose of or to sell their babies and allow them to return to the world apparently normal moral women. They inform the women that society will never know and need not. Accordingly, babies are taken away or adopted after the fashion of commercial maternity homes. No system by which woman will live a lie before the world can be socially justified. An occasional woman may gain, but women and the world will lose.

On the whole the methods of maternity hospitals and homes, although the motives may be benevolent, are crude and antiquated. Emergency relief is indeed provided, but a complete constructive program which considers the obligations of both father and mother, adequate protection of the child, and the promotion of the highest social welfare is not generally carried out, and consequently little preventive work is accomplished. Under these conditions a refusal to accept a woman pregnant for a second illegitimate child is a travesty on social service.

One reason for this backwardness is the predominance of the medical standpoint which has heretofore considered the physical side principally. The social training of the physician and the insistence of progressive methods by social workers should in the near future result in the establishment of a well-rounded program of effort.

Child Caring Agencies

Besides the hospitals there are a variety of social agencies that deal with the unmarried mother and her child. Chief among these are the so-called child caring agencies, such as children's aid, home-finding and humane societies, as well as agencies for the protection of children from cruelty. Additional agencies often involved are legal aid and charity organization societies. These organizations frequently learn of cases after the women have left the hospital and have, with their babies, become objects of philanthropic care or guidance. They also come in touch with many of the mothers

who are confined in private homes, while occasionally they take charge of pregnant girls that wander into the cities and grope about for some place of refuge. It is probable that only a small proportion of all the cases of illegitimacy are dealt with by these charitable agencies and handled from the social viewpoint. The Boston Conference on Illegitimacy reports that in 1913 out of 858 illegitimate births in that city, the social agencies dealt with 359.[39] Several agencies, however, did not report, but including an estimate of their work it is clear that more than one-half of the unmarried mothers fail to receive any attention from social agencies other than the hospitals and, therefore, are not schooled to a routine of discipline which will reconstruct their moral character and steel them against the temptations and adversities of an unfavorable environment.

The information secured about the 359 cases handled indicates the general inadequacy of the work done. It was shown, for example, that in 173 of the cases the confidential exchange was not used, that in 216 the name of father, and in 147 of the mother, of the girls was not known.[40] The mental conditions of the unmarried mothers were known in less than one-half of the cases, and previous sex history in less than one-fourth. Facts concerning the presence of venereal diseases were procured for 81 of the total number, but knowledge of their educational attainment was almost entirely missing. Some information was secured about the baby, the method of nursing and follow-up work, but here also it was far from complete. Even facts regarding the time that the girl was under supervision were missing for nearly one-half of the cases.

If so little was learned and known about the girl and her baby, is it any wonder that the facts about the father of the child were so meager? In nearly one-third of the cases his

[39] See Studies of the Boston Conference on Illegitimacy, p. 33.
[40] Ibid. pp. 34, 35.

name was not known. This, however, is a creditable showing. Information about his parents, wages, and physical and mental condition was largely lacking, but his conjugal condition was known in approximately two-thirds of the cases. Every effective case worker knows how important are these items of information and how necessary they are to a correct plan of dealing with and caring for baby and mother, and of gaining the co-operation, forced or voluntary, of the father. Nevertheless, the paucity of data concerning these cases makes enlightened treatment almost impossible, for it must be emphasized that each case should be treated separately and according to a program suggested by the diagnosis and history. Nor is it likely that case histories are more satisfactory in other cities than in Boston; probably they are less so.

Nevertheless, workers among the unmarried mothers are now exerting themselves to gain information ample for a program of constructive effort. The principle of investigation is identical with that which determines ordinary case work with individuals or families, but the program of rehabilitation is difficult because of the factors and prejudices involved. In some sections of the country the plan of boarding out the pregnant women has certain possibilities. According to this plan the hospital or physician refers the applicant to the placing-out agency, which finds a private home for the woman until shortly before confinement, when she is sent to the hospital to remain only so long as her physical condition may require. As soon as possible the placing-out agency again assumes charge of the case and disposes of it according to the plan developed. This method of work enables the women to avoid contact with each other and lessens the opportunity for an exchange of experiences. Such contacts must be prevented if the finer instincts still latent in the woman are to remain. Frequently the mother with her child is returned to parents and relatives—a short cut solution of the problem that enables the agency to dismiss the case without

further worry. Usually, however, there is little proof that the case has been wisely disposed of.

More often the plan of care consists in finding a suitable position for the mother and requiring her to support her baby either by caring for it directly or by paying for its care in case it is temporarily placed in the hands of some other persons.

If they gain information sufficient to justify court action, private agencies frequently press suit against the putative father and compel him to contribute toward the support of the child. Usually, however, they are not prepared for so drastic a step or cannot persuade the mother to take action and as a consequence the plan of rehabilitation centers about the mother instead of including both parents. It is entirely fair to say that so far the general plan of our social agencies, whether public or private, has been to place the responsibility on the mother and to give but little concern to the father. The latter has not only been favored by the laws but courts have refused to require him to bear his share of the burden, and private agencies themselves have not insisted so strenuously, as they should, on the duty of paternal support.

The various agencies that place out mothers and babies, including such classes as widows, deserted women and unmarried mothers, therefore, do not vary the program much for these different groups. Perhaps a little greater caution is observed in connection with illegitimacy cases because of the moral problem involved. Otherwise the women are practically treated as though they were deserted wives. There is this difference however: agencies are frequently harsh and unyielding in their treatment of unmarried mothers. The determination that girls shall not repeat their offense results in an inflexible plan often so objectionable to the girls that they revolt and exist as best they can without appeal for charitable aid except from friends and neighbors.

Another reason for the frequent failure of the social agencies to rehabilitate a woman lies in the absence of suit-

able institutions and laws. An important need for successful work is a "mothers' and babies' home," a place where a woman can live and where her baby can be cared for while she is at work during the day. If the two are to remain together this plan often furnishes the only practicable means of gaining this result. Without such a home, the agencies have no propositions to make which a woman will consider, and, therefore, their reconstructive efforts collapse with the frequent result that the woman returns in a year or two with a second illegitimate baby, or joins the ever present body of prostitutes in the city.

Until the last few years no test was made of the mentality of these girls. In fact, very little is attempted at the present time, except in a few public institutions. The agencies, therefore, have not always understood why women would consent to a plan of treatment and then deliberately break their promises. Many of these girls, it is now clear, are weak-minded because of neglected education, disease or inherent defect, and need the care properly accorded to the mentally subnormal. Some of these should be sent to institutions for the feeble-minded, but in no state has adequate provision been made for this class of women and especially for the high grade group of imbeciles or morons who are so dangerous to the community because of their susceptibility to the artifices of deceptive men. Meanwhile, countless agencies are engaged in pecking away at the problem but with little real success for no program can succeed which fails to take into consideration the mental condition of the patient. For example, one such case was spoken of in the following words: "during the last five years at least seventeen private agencies have worked on the case, demands have been made upon two of the county courts and also upon the House of Correction. In the meantime B——— has given birth to two children, neither of which belongs to her legal husband; all of this futile effort because the State of Illinois has no institution for the care of, nor adequate laws for dealing with, its feeble-

minded adults."[41] Were all the facts known it is certain that the record would show that a large proportion of all cases handled or touched did not develop successfully. The fault is not to be ascribed to particular agencies so much as to the general inadequacy of the social and legal machinery to deal with a given situation and this condition is based on the failure to understand fully the various factors involved in the solution of the problem which, as previously stated, are father, mother, child and the community.

Improved Methods of Work

It is clear from the statistics that the amount of illegitimacy in the United States is so large as to present a menacing problem. Accordingly the first duty of the social agencies is to make their case work effective. The recognition of this fact has resulted in the development under the guidance of the federal Children's Bureau of a standard face sheet or information schedule. The use of this card will promote standards among the agencies and foster the procuring of adequate information for the formulation of a well-considered plan of care and control. The weakness of our bastardy laws has made the rehabilitation of an unmarried mother so difficult that intensive case work frequently has not even been attempted. The realization by both state law and social agency that we are dealing not with an unmarried mother and her child but with the problem of illegitimacy is rapidly forcing a more effective handling of the question.

In about twenty cities, notably Boston, Cleveland and Philadelphia, conferences on illegitimacy have been established. Interested persons meet regularly to discuss the question, to increase the efficiency of the organizations which they represent, to perfect their methods of remedial work and to map out a program of constructive and preventive work.

[41]National Conference of Charities and Corrections 1915. pp. 120-1, paper by Herman Newman.

More effective service must begin with the hospitals, since it may be taken for granted that the great majority of prospective mothers will patronize a lying-in hospital. This should be something more than a resting place before and during confinement; it should individualize and give each girl such prenatal instruction and supervision as is necessary, partly because of the effects in lessening still births and deaths in early infancy, partly because of the interest that will be developed in the baby. Prenatal care can be made not only physically advantageous to the mother and her baby, but it should be made as important a moral factor as possible. It should be the first step in a program of keeping mother and child together. In every city will be found a number of girls who do not come to the hospitals. Such girls should, whenever and wherever possible, be placed under the care of the out-patient department of hospitals and given prenatal care and instruction. Special means of discovering such girls should be instituted in order that they may not bear the discomforts of pregnancy without friendly counsel and advice.

When girls are accepted for care by hospitals or benevolent institutions they should at once receive a careful physical examination, be tested for disease and treated if necessary. A similar study of their mental status should be made to ascertain as closely as possible, their inherent capacity and the responsibility which may wisely be imposed on them. It is furthermore desirable that a social history of each case be obtained, and if the hospital expects to handle the case until it is finally disposed of the social history should be complete; that is, it should cover every aspect necessary for the development of an approved plan of dealing with the mother and the child. Some of the information should also be helpful to the public officials in their plan to promote paternal responsibility.

If the mother is not diseased, nor feeble-minded, or for other reasons unable to care properly for the child, measures

should at once be taken to compel her to nurse the baby. The custom of commercial maternity homes to remove the baby so that the mother will not see it and cannot nurse it is vicious and the result is most demoralizing. Let the prenatal work make the mother capable of nursing the baby and then begin systematic education in love for the baby by making the mother perform the usual maternal functions.

Experience has demonstrated the great superiority of the wet-nurse, that is, of breast feeding under ordinary conditions. If the mother cannot nurse the child, a wet-nurse should be procured if possible. Frequently, some woman is able to provide milk for two babies, and in many cases a child may be partly breast-fed and partly bottle-fed, a policy superior to that of a complete substitution of cow's milk. The new ideal prohibits the wholesale feeding of children in foundling asylums with commercial milk or milk substitutes. In the first place, the large asylum housing many children has been proven to be a death trap because of the prevalence of disease, lack of individual care and other disadvantages. In the second place, substitutes for breast-feeding have largely increased infant mortality. Accordingly, many babies are placed in private family homes and nursed by some woman who is a recent mother and who has probably lost her baby owing to causes that would not operate against the infant placed in her charge. The practice of many foundling asylums in boarding infants in this way indicates the strength of the movement, and the tendency to turn foundlings over to placing-out agents is a confirmation of the soundness of this policy. Many illegitimate babies and foundlings (most of these are illegitimate) are weak and physically subnormal and must receive special individual attention instead of being handled in job lots. They must either be cared for separately or in small groups, which will make individualization possible.

While at the hospital or maternity home the mother should be prepared for such disposition as is to be made of

her. If she can be returned to her old home the way should be opened by bringing about the reconciliation of the parents and the girl. It is often possible to present the matter to irate parents in such a way as to compel them to recognize their function in a plan for the rehabilitation of their daughter. Frequently, only the bravest girls dare return home and for many other provision must be made. The girl incapable of entering some remunerative occupation needs to be taught so that she may become self-supporting. Then, if she is mentally normal, a situation should be found where she can support her baby directly, either by keeping the baby with her or paying for its board. The former method is the better one, but outside of domestic service few occupations lend themselves to this arrangement. Unmarried mothers need to be placed most carefully in order that they may not again be tempted or yield to the persuasion of that class of men who may be seeking to destroy them.

Greater efforts should be made to reconcile the man and woman. At present a very large proportion of the mothers are girls who expected to marry the fathers of their children and who yielded their bodies in a moment of trustfulness and perhaps forgetfulness. Probably, the man in many cases definitely promised to marry the girl at once if unsought-for consequences should occur; but with the discovery of pregnancy his ardor declined and presently he rejected all compromise until forced to action by law. There is no doubt that a large number of men can be brought to see that guilt hangs heavy on their shoulders, that marriage is but a small recompense for their sin and that they owe to the woman and the child the duty of making the lot of the latter as hopeful as possible. The man who has all but ruined a woman should be big enough to give her his name and legitimate his child. Many marriages result happily and in numerous cases marriage is preferable to other methods of disposition even though the parents never live together, but are divorced within a short time. Nevertheless, there are countless instances where

marriage only aggravates an evil and ought therefore, be prevented. In such cases, financial responsibility is the chief objective to be sought and to be imposed on the man. It is wrong to consider marriage a general remedy. Too often the result is a life of hopeless incompatibility. No doubt this situation will be improved when the status of illegitimacy is abandoned and every man becomes morally and economically responsible for his children whether born in lawful wedlock or not.

Often the plan of rehabilitation fails and a woman has a second illegitimate child. The rule of certain institutions not to accept such women must be sufficiently modified to make ample accommodations possible. Private institutions should proceed slowly in rejecting repeaters. The nature of the case rather than the number of offenses should determine their eligibility to the hospital. In no case should the lines be drawn so rigidly that a woman of this type cannot gain hospital facilities, but be compelled to turn to private commercial homes when the need of enlightened care and of a progressive program is so great. There is no doubt that many institutions, if they had carried out a sensible and constructive program for an unmarried mother would not be compelled to endure the humiliation of listening to her request for re-admission for a second confinement. She could have been reclaimed and adjusted to normal life. The repeater cannot be rejected and abandoned to unsympathetic routine workers. The more serious the case the greater the need and more vigorous the energy required to reclaim her.

The agencies dealing with such women should arrange to divide the work so that if circumstances force some organizations to limit themselves to women with a first illegitimate child, all cases, whether promising or unpromising, may be given the maximum of profitable constructive care. Frequently, if not usually, the mother of two illegitimate children is feeble-minded or otherwise abnormal and therefore in need of a special form of care. Social agencies cannot afford to

insist that such women keep their babies. In fact no set principle on this point can be established. The feeble-minded mother is generally unable to care properly for her child and the only right and merciful procedure when the fact appears is to separate them and to treat each according to the need. In a similar way the very young girl may be an entirely incompetent mother and in many cases should not be burdened with the task of caring for her child.

To accomplish good results no effort with those responsible for an illegitimate child will be more effective than vigorous action against the putative father. In the great majority of cases the identity of the man is fairly well known, but heretofore the courts have been singularly obdurate in designating him. The legal obstacles that prevent unmarried mothers from making a case, and the unsocial judges that give the man every opportunity for escape must be eliminated and better laws and progressive judges substituted. No social agency whether private or publicly controlled does its full duty unless it makes every reasonable effort to gain some financial responsibility for the child from its putative father. Nothing will make men respect the virtue of young women so much as the consciousness that an overt act of immorality will inevitably prove a costly experiment. The American social worker has hardly begun to recognize the possibilities of the legal control of illegitimacy. Furthermore, our one-sided laws and abominable court procedure deter hundreds of women from entering the courtroom. Rather would they suffer alone and undergo whatever consequences fate will award them. No confidence in society can be restored in any woman who finds that she alone must bear a burden, the existence of which is partly, if not largely, due to a more economically capable individual. Effective case work must lead eventually to a thorough-going system of laws and public administration dealing with the problem of illegitimacy in all its aspects.

In conclusion it should be emphasized that in the treat-

ment of illegitimacy many existing and preconceived notions must be abandoned, an individualized plan of treatment must be found and executed and the whole fitted into a wise program of preventive effort. Unless those dealing with illegitimacy carefully study its causes and observe the effects of the treatment given they will not be able to outline any comprehensive plans for the youth of the land, which will definitely reduce the evil of sex irregularity.

CHAPTER V

THE OUTCOME FOR THE CHILD

An interesting question for the statistician and the practical social worker is, what are the chances and opportunities of the illegitimate child? What becomes of him if he survives birth and actually starts along the road of life? A correct answer, if it could be attained, would be most illuminating and helpful in reconstructing our program of remedial effort. Some facts, however, have been gradually ascertained, especially such as relate to viability, vitality, criminality and mental capacity. Other information is rather fragmentary and incomplete, nevertheless suggestive and helpful.

Still Births

In the first place, illegitimacy vitally affects the still birth rate. In the following table are presented summarized facts covering various localities both in this country and elsewhere and showing the difference in proportion of still births between legitimate and illegitimate cases.[42]

[42]Table based on figures from statistical reports, special investigations and U. S. Report on Birth Statistics, 1918.

STILL BIRTHS

Locality	Year	Percent of still births among: Total births	Legitimate births	Illegitimate births
Bavaria	1910	2.7	2.6	3.3
Munich	1910	3.8	3.4	4.8
Baden	1895	....	2.7	3.4
Ohio	1909	2.2	2.1	4.9
Boston	1913	....	....	5.2
Cincinnati	1912-14	....	....	7.5(white)
Cincinnati	1912-14	....	....	16.0(negro)
U. S. Birth Registration*	1918	4.0	3.9	9.0
Area				
White		....	3.7	7.3
Colored		....	7.5	11.9

*Figures for United States represent proportion of still births to live births.

The foregoing figures indicate that in the localities designated from two to four per cent of all births are still born. In every case also, the proportion of still births is less among legitimate births than among the illegitimate. The city of Munich presents a rate that is higher for each group than the average for all Bavaria, and the percentage of increase among the illegitimate as compared with the legitimate is also greater. In Ohio, the rate is more than twice as high among the former than the latter; in St. Louis also the proportions are about two to one. The following figures, approaching the problem from a slightly different angle, indicate similar results: In Washington, D. C., while the percentage of all births in 1911 that was illegitimate was 9.7, the percentage of still births that was illegitimate was 19.5, or more than twice as high. In Baden in 1905, the comparative figures were 7.1 and 9.2 per cent. This difference, however, is much

less than that apparently prevailing in the other localities mentioned.

The wide differences between the rate of still births among illegitimate and legitimate births have not been adequately explained. One cause is the greater tendency to still births among the first-born. Since nearly all illegitimate births are first births while among the legitimate only about one-fourth are first births, we should expect a much higher still-birth rate among the former. Were a fair comparison of first births possible, then the disproportion would probably be much less than the above figures indicate. Nevertheless, considerable differences would remain. No doubt, the fact of unwanted motherhood is a prominent cause of the excessive proportion of still births among the illegitimate births. Only too often, the women cannot afford to rest or even prepare themselves before confinement. Hard work, ignorance, shame, lack of medical care, a cast-off condition, and similar causes—all tend to undermine the physique and vigor of the helpless women, and as a natural result, a larger proportion of babies are still-born. It frequently is true, also, that the women do not object to this disposition of their troubles and take steps which lead to the death of the foetus. Probably attempts to procure abortion frequently lead to still births.

A factor worthy of special mention is disease. Many of the women contract social disease from their male companions, and still births often follow. No statistics are available to determine the proportion of unmarried mothers who are suffering from syphilis, but hospital records indicate that it is a considerable percentage, no doubt much greater than in the community at large. An excessive number of still births is, therefore, inevitable. So unnatural and abnormal are the prenatal conditions and influences surrounding the mother that a sound, healthy babyhood can hardly be expected. If proper prenatal care of married mothers greatly reduces the number of still births, as experience shows, then surely the aggravation of the difficult conditions that attend pregnancy,

among the unmarried mothers, will produce a high still-birth rate.

Infant Mortality

A second abnormality consists in the excessive rate of mortality among illegitimate babies. This condition is almost universal, the only known exceptions occurring when certain standards of hospital care have been obtained. The following European statistics illustrate the general comparisons and serve as examples of others.[43]

DEATHS PER 1000 BIRTHS

Locality and Age	Legitimate	Illegitimate	Proportion of Illegitimate to 100 legitimate
Germany (1910)			
0-1 year	182	299	164
England and Wales (1915)			
0-1 month	36.4	69.2	190
Urban	36.6	70.7	193
Rural	35.5	63.6	179
1-3 months	17.9	42.1	235
3-6 months	18.0	41.5	230
9-12 months	16.2	21.9	135
0-12 months	105.3	203.3	193
Urban	109.9	217.7	198
Rural	86.6	151.4	178
0-1 week (1911)	2.3	4.2	180
Urban	2.3	4.3	183
Rural	2.2	3.5	154

A glance at the table given above shows that among illegitimate children the infant mortality is from 35 to 135 per cent

[43](Statistical Yearbook of Germany, 1910 & 1913; also 78th Annual Report of Registrar General of Births, Deaths and Marriages in England and Wales. An able discussion of the relation of illegitimacy to infant mortality is found in the Children's Bureau Report on Illegitimacy as a Child Welfare Problem.

higher than among the legitimate. The disproportion in England is apparently greater than in Germany, a fact no doubt due in part to the greater urbanization in the former country, and to the high mortality rates prevailing in Germany among legitimate children. In England, as the details show, the conditions of illegitimate children are relatively more favorable in the rural than in the urban districts, and the chances of life are proportionately better during the first week than any later time during the first year. The statistics also show that the heaviest relative loss is during the second and third months, the proportionate mortality being computed at 235. At this time it is considerably higher for males than for females. The smallest disproportions occur in the last quarter of the year when the comparative death rate is about 35 per cent higher among the illegitimate children than the rest. This gain is largely due to the excessive elimination of babies during the preceding months. The low rates in the country districts are due to the superior care given to the illegitimate child in the rural sections. Here we find that not only is the death rate for all babies lower, but illegitimacy does not interfere so much as it does in the city with devoted maternal care. These facts relate to conditions before the great war and represent normal relationships such as have not yet been attained since peace was established.

There are few American statistics on the relative death rates among legitimate and illegitimate children. The figures by the Federal Children's Bureau for Johnstown, Pennsylvania, show an infant rate of 281.3 per 1000 for the illegitimate as compared with 130.7 for the legitimate, but the number of cases is very small. The investigation made in Boston also discloses a higher rate, but the statistics are incomplete and exact comparisons cannot be made. Cincinnati in 1912 reported an illegitimate infant mortality more than twice that of the legitimate—20.9 per cent compared to 10.3 per cent.

It is difficult to understand why illegitimate children do not suffer more proportionally during the first month than

during the second and third. Perhaps the hospital care which so large a proportion of these babies receive is one cause of this condition but other reasons undoubtedly operate. On the other hand, the baby of nine months or more has passed the most dangerous months of life and the illegitimate child no longer suffers from such serious disadvantages as operated before. It is clear, however, that throughout the year the illegitimate child suffers relatively. He receives inferior care, being frequently, if not usually, in incompetent hands or living under unfavorable conditions, and his heredity is, on the whole, of mediocre character.

English statistics also throw light on the relative mortality from certain diseases. These facts are shown in the following table:[44]

MORTALITY OF ILLEGITIMATE INFANTS (1915) COMPARED WITH LEGITIMATE

	Proportion of illegitimate to 100 legitimate	
Disease	Males	Females
Atrophy, Debility, etc.	284	252
Premature Birth	174	168
Whooping Cough	115	85
Diarrhea and Enteritis	226	232
Tuberculous Diseases	174	181
Syphilis	652	939
All diseases	190	197

The most striking fact indicated in this table is the relative death rate from syphilis. To be sure the tendency to call the disease by its right name is greater in the case of the illegitimate children than of others; nevertheless, a proportion of 9 to 1 clearly shows that a large number of unmarried mothers are physically diseased and that the unfortunate babes must pay the penalty.

[44]78th Annual Report of Registrar General of Births, Deaths & Marriages in England & Wales.

An analysis of the deaths from syphilis shows that the disproportions vary but little from country to town. It is quite apparent that everywhere a large number of unmarried mothers are afflicted with the disease. Confirmatory in a feeble way are the recent statements made by the Massachusetts State Board of Charity, according to which out of 18 babies dying at the state infirmary in 1913, eleven suffered from congenital syphilis and out of 30 dying in 1914, six were similarly affected. One-third of the deaths for the two years are, therefore, charged against this disease.

The heavy death rate from diseases of early infancy depends largely on the abnormal gestational condition of the mother. The child has not developed under the best physical environment and this interference with its natural development leaves its mark in subnormal physique and mentality. Recent prenatal work has proven the effectiveness of effort with prospective mothers.

That much of the high mortality from diseases of early infancy is avoidable has been amply demonstrated but the unmarried mother can with difficulty be brought into a state of mind and of body which will radically reduce the death rate from this group of diseases.

Illegitimate children suffer from inferior methods of feeding. Many are separated from their mothers, so that, instead of being nursed directly, an excessive proportion are fed on animal milk or milk substitutes. The bad effects of this condition are well known as nothing can take the place of maternal nursing. The substitute foods are largely responsible for the high rate of mortality from the diseases of the digestive system. Such foods are generally used in hospitals and foundling asylums, although wet-nurses are gradually being introduced. Probably a large proportion of the heavy mortality among illegitimate children results from the serious consequences of the unnatural methods of institutional care. As statistics have abundantly shown, babies in private homes, even the wretched and degraded homes of our slums, have a

lower death rate than that obtaining in most institutions that care for babies. This fact applies to both legitimate and illegitimate children. But only a small proportion of the former receive institutional care, while a majority of the illegtimate children are born in institutions. The death rate of the latter is, therefore, profoundly affected by this fact, while it is hardly colored for legitimate children. Were there no other causes for differences in the proportions this cause alone would produce wide discrepancies between the rates of the two groups. The lower rate in the rural districts is, no doubt, due in part to the greater tendency to care for the illegitimate child directly in the home.

English statistics indicate that institutions may cause as much havoc among one group as among the other. In workhouses outside of London the infant mortality was actually lower among the illegitimate than among the legitimate children. In both cases, however, the rate was more than double the normal rate for all England. In the London workhouses, on the other hand, the illegitimate children suffered the higher rate. The Minority Report of the Royal Commission on the Poor Laws says in this connection:[45] "The variations in this respect as between the different ages, whether in London or elsewhere, are apparently quite without connection with illegitimacy." If similar treatment is given, the results apparently do not differ widely. The illegitimate child, however, suffering from institutional care, has a chance much inferior to that of the legitimate child with the advantages of home care.

Considering the statistics of social disease as represented above, it is significant to note that the proportionate death rates in institutions have not been materially affected hereby. It must be overlooked, however, that these diseases are widely prevalent among classes that patronize the public institutions. As to innate physical inferiority, little evidence has

[45]Page 85.

as yet been collected to show that the illegitimate child suffers in this respect. The differences which exist are largely explained by the unsatisfactory environment in which the unmarried mother and her child are usually required to live, hours of labor, quantity and quality of food, recreational opportunities and mental unrest being the principal factors involved. The greater incapacity of men of illegitimate origin for military service and their inability to meet the tests must be credited chiefly to the unfavorable and precarious circumstances of their lives.

The social and mental status of the mother is an important condition of the problem and profoundly affects the rate of mortality. Among the ignorant the rate is high even for legitimate children and as the majority of illegitimate children are born of ignorant mothers, high rates among this class should be expected. Few figures are available to indicate the relation of these conditions to the general level of mortality, but English statistics throw some light on the problem. The following figures for the year 1911 compare death rates among the illegitimate children of mothers engaged in nineteen occupations or groups of occupations:[46]

[46] 73d Annual Report of the Registrar General of Births and Deaths.

DEATHS UNDER ONE PER 1000 OF ILLEGITIMATE CHILDREN ACCORDING TO OCCUPATION OF MOTHER—ENGLAND & WALES, 1911

Occupation of Mother	Number
Costermonger, Hawker	325
Cotton factory worker	301
Barmaid	287
Wool, Worsted Manufacturing	286
Metal, Machine, Implement worker	271
Charwoman	266
Unoccupied, no occupation, or not stated	264
Other textile employ	263
Tailoress	258
Laundry, Washwoman	246
Waitress	234
Farm Labor	234
Domestic Servant	231
Dressmaker	192
Teacher	190
Shop-keeper, shop assistant	168
Commercial clerk	148
All other occupations	345
All occupations	245

Rather remarkable differences are displayed in the foregoing statistics, with costermongers and commercial clerks representing the extremes. The variations are not amenable to easy explanation, since many factors must enter to produce the results. Ignorance and dissipation, no doubt, are causes of the high rates, while intelligence, wet-nursing and proper care account partly for the lower rates among the babies of clerks, school teachers, shopkeepers, etc. Various causes of undetermined weight, however, complicate the problem and prevent hasty generalizations.

A considerable proportion of the illegitimate children gravitate to the foundling asylums. The death rates formerly prevailing in these institutions were so high that almost the entire infant population was eventually wiped out. In recent

years tremendous improvements have been made; nevertheless, death rates of from 40 to 50 per cent still prevail in some of the asylums. Rates have been materially lowered whenever wet-nursing and temporary family care have been instituted. In New York City a large number of babies are being nursed in private homes by poor mothers and yet under conditions infinitely superior to those formerly prevailing in the asylums. In 1913 the New York Foundling Asylum had 1457 children, a large proportion of whom were illegitimate, in boarding homes. There the younger ones were cared for by wet-nurses, that is, by mothers who were able to nurse these babies directly and care for them. By providing a baby with individual care in a home and supervising it in that home several institutions have greatly reduced their death rate. This reduction means a gratifying decrease in the number of deaths of illegitimate children.

Dependency

A large number of illegitimate children are from the very beginning under the care of philanthropic agencies. The mothers have been forced into dependency and the children naturally begin life under serious economic handicaps. An excessive rate of dependency among such children must therefore be expected. The high mortality will however, somewhat reduce the disproportions. The child-caring institutions and societies of the state of New York illustrate the conditions that may be expected. Out of 35,138 children in their care June 30, 1917, 29,860 or 85 per cent were foundlings, illegitimate children, or those regarding whose parents nothing was known. Of course practically the entire number are illegitimate. Out of 10,678 children committed to institutions during the year, 1381 or 13 per cent were foundlings, illegitimate or of unknown parentage.[47] According to the

[47]Fifty-first Annual Report of the New York State Board of Charities—pp. 100-106.

estimate of the volume of illegitimacy in the United States these figures show that an undue proportion of illegitimate children drift into the hands of the child-caring agencies. On the other hand, a study by the Missouri School of Social Economy of 1000 neglected children appearing in the Juvenile Court of St. Louis indicates that while the great majority came from broken homes and had disreputable or incompetent parents, the number of children known to be illegitimate was only 48, or less than five per cent of the total, a proportion which probably does not exceed the percentage of illegitimacy among the classes from which the neglected children are largely drawn. However the causes of neglect differ from those of dependency and illegitimacy may be a relatively minor factor.

What becomes of the baby of a well-to-do mother? This is a question that can receive no definite statistical answer. That many girls solve their problem by marriage is true. That many patronize the commercial maternity homes or exclusive and high priced sanitariums which receive such girls is also well-known. Their desire to be liberated from the bonds of child care and from the objective evidence of a previous sin impels many to give up their babies and allow them to be placed out for adoption. There is no doubt that poor mothers maintain and keep with them a much larger proportion of babies than do the wealthy. The program of constructive philanthropy has enjoyed some success with the poor but has hardly touched the well-to-do. Furthermore, the difficulties are greater. Many respectable men cannot retain their positions if the public knows that their daughters have sinned. The disgrace affects not only the girl directly but threatens to ruin her parents. And if they escape ostracism the lot of the child becomes exceedingly difficult, especially if it is a girl.

In order to meet conditions such as these, "sanitaria" or expensive maternity homes have been established in various places. Almost without exception the girls coming to these

homes expect to relinquish their children and to return home "cured" and in good spirits. Devoted and well-wishing as the heads of such institutions may be their remedy for the evil is, after all, one that absolves women and men from responsibility for their action and that fails to give adequate assurance that illegitimacy will be reduced thereby. However, we also find public sanction for such a course as is evidenced, for example, by the Massachusetts law for the protection of infants according to which the mother of an illegitimate child under two years of age, who is a resident of the state and who has previously borne a good character, may, with the consent of the state board of charity, give up her baby to the board for adoption. The illegitimate daughter of a well-to-do woman has a most unenviable future unless she can be adopted into some foster home. Here she can practically gain the standing and respect accorded to a natural daughter and excellent prospects may lie before her. Nevertheless, this fact does not justify the adoption of the principle that mother and daughter should be separated. It does indicate the difficulties that are now encountered and partially explains the psychology of the mother and her parents. It represents a condition that must be faced squarely with due regard for the sentiments of the family and the permanent interests of society.

There is very little exact information concerning the fate of the child of the average unmarried mother. The strenuous efforts of social agencies to keep mother and child together have largely resulted in failure. Among the reasons for this result are failure to obtain means of support from the father, premature placing of mother and child in family or home, lack of adequate follow-up system, the indifference of relatives, an inadequate mothers' pension law, arbitrary plans for the mother and inattention to the problem of her social readjustment. The actual situation in regard to the home care of illegitimate children is illustrated by the figures presented

for Cincinnati by Miss Helen Trounstine.[46] These figures show that out of 666 children 14.8 per cent were in the care of their mothers but many babies had died and if living babies alone were considered the proportion would be twenty-one. Apparently the great majority of illegitimate children have been separated from their mothers. Furthermore the proportion is much larger among the white than the colored population. No doubt the greater gravity of illegitimacy among the white group accounts in part for this condition. In a few cases the white mothers boarded their children or placed them with relatives and had not wholly abandoned them. In this connection again the rate for colored women was much higher.

The Christian Service League of Kansas also submits some interesting facts relative to this problem. Out of 285 mothers coming under its care only 67 kept their babies for a considerable period of time and of these only five retained them until the children arrived at school age. The superintendent of the League claims that the mothers are not with the children enough to develop the mother spirit and eventually most unmarried mothers become permanently separated from their children. Many women give their babies away or abandon them. A considerable number of these are eventually adopted or placed in foster homes.

The Massachusetts State Board of Charity presented data in 1918 relating to fifty girls under its supervision for periods varying from three to five years. These girls represent selected cases in the sense that those whose babies died under three are not included in the tabulation. Sixteen married but only three the father of the child. Twenty-three of the children are regularly with their mothers and of the twenty-six boarded the mothers contribute to the support in twenty cases. One of the tragedies observed is the lack of interest by relatives, only fifteen out of 50 groups of relatives

[46]Trounstine, Helen S. Illegitimacy in Cincinnati.—p. 229.

manifesting any concern. The girls have been forced to rely largely on the kindness of strangers; nevertheless most of them became self-supporting. Only three of the children were classified as subnormal and the health of 38 was rated "good."[49]

Discrimination Against Bastards

The general character of persons of illegitimate parentage has received but little attention. It is well known that a considerable number of men famous in politics, art, science and letters were of illegitimate origin, but the number of such women is comparatively small. How far individuals are actually handicapped because of unlawful ancestry cannot be definitely stated and perhaps only guessed at. However the attitude of society is becoming increasingly hopeful in this respect as is evidenced by the tabulations of the Boston Conference on Illegitimacy according to which the attitude of a given number of women's club officers, physicians, lawyers, overseers of the poor, and manufacturers was represented as follows:[50]

DISCRIMINATION AGAINST BASTARDS

Attitude	Yes	No	Doubtful, Conditional etc.	Total
Willing to employ illegitimate child	428	5	48	481
Would not discriminate against illegitimate child	402	11	68	481
Would vote for persons of illegitimate parentage	401	16	64	481

If these answers express the genuine convictions of the

[49]Massachusetts State Board of Charity. 40th Annual Report of, (1918)—pp. 121-124.

[50]Report, p. 15.

individual interviewed then more than four-fifths of the social classes represented would not discriminate against a person of illegitimate parentage. As soon as this hopeful state of mind can be realized in actual life, better opportunities for the illegitimate child will develop. In some respects it is unfortunate that the economic welfare of the child is largely bound up with the prospects of the mother. As may be expected, a majority of the answers to the questionnaire referred to above showed a prejudice against the mothers and a large majority were hostile to the fathers. In fact the general attitude toward the father is much more unfriendly than that towards the mother, an indication that society believes that the major portion of the moral blame rests on the man. Naturally, children living with their mother must share her trials and difficulties even though society holds them blameless. On the other hand, often a mother marries a man other than the father of her child and for such a child the social advantages are quite as good as if its own parents had intermarried and legitimated their offspring. In the United States a very small proportion of the illegitimate children gain a right to their father's name, in England there are none, but in parts of Continental Europe, where inquiry into paternity is legal, thirty per cent of the children are legitimated within a period of five years. Nevertheless, the rate of illegitimacy is so high that a large proportion of children never acquire the right to use their father's name.

Criminality

Since the illegitimate child is usually a member of an incomplete family and its mother is often the victim of opprobrium, we may naturally expect such children to deviate somewhat from the normal. Their environment often conduces directly to immorality. Drähms claims that out of 4838 male juvenile delinquents in French reformatories in 1896, only 517 were of legitimate birth, and 4321 or 89.34 per cent, or nearly nine-tenths were illegitimate. The number of de-

linquent girls was 1095 and of these 246 were legitimate and 849 or 77.53 per cent were illegitimate.[51] In France about 10 per cent of all births are illegitimate, but owing to an excessive death rate the proportion of all juveniles who are illegitimate is much less. Consequently, it appears that the illegitimate furnish at least 8 or 9 times as many delinquent children as their proportion in the population. In one respect, however, these figures are surprising. The tendency towards crime among the illegitimate boys seems to be greater than that among the girls. The feeble chances of the girls naturally lead to abnormal living, and eventually to criminal habits; accordingly a higher proportion might be expected among them.

Sigmund Engel, in discussing criminality among persons of illegitimate parentage says, "there is not a single civilized country in which we fail to find that the average criminality rate of illegitimate children is considerably higher than the average criminality rate of the legitimate."[52] He says further that this difference applies to the number of offenses committed per person and to each punishable offense; also that among recidivists the influence is particularly marked. American statistics showing the relation of illegitimacy to crime are not available, but lack of opportunity undoubtedly operates here as elsewhere.

Borosini says that several European countries show an excess of illegitimate persons among the prisoners, especially the minor offenders. He also adds that at one time over 75 per cent of the prostitutes in Berlin were illegitimate and that out of a group of delinquent girls in Munich, one-third were of illegitimate origin. The American figures deal particularly with the relation of broken or incomplete homes to criminality and delinquency. That the absence of the father or the mother or of both parents profoundly affects the rate of delinquency is clearly shown. The major causes of crim-

[51] Drähms, August—"The Criminal," p. 285.

[52] "Elements of Child Protection," p. 97.

inality all operate upon the illegitimate child with greater intensity than they do upon the children shielded by a normal home.

Mentality

In estimating the general mentality of persons of illegitimate birth we must keep in mind the majority of such persons and not the exceptional ones. It is true that a few brilliant men have come from an unsanctioned mating and may have been children of a natural and untrammeled love. Society, however, is principally concerned with the level of mentality that prevails among the illegitimate. Here again, statistics are largely wanting; nevertheless, the question almost carries its own answer. A large proportion of the mothers are either feeble-minded or mentally on the border-line. That a considerable amount of this subnormality is hereditary has been shown by such men as Goddard, Davenport, Tredgold and others. Even assuming that the mentality of the fathers is of a distinctly creditable grade, it necessarily follows that illegitimate children on the whole inherit a more feeble mentality than the average for the community as a whole. There can be no doubt that an excessive proportion of the feeble-minded are illegitimate. Since weak-mindedness is largely inherited and leads to lack of will power many illegitimate births among the feeble-minded are to be expected. Social disease also co-operates with heredity to break down mentality.

The high death rate from syphilis among illegitimate children indicates the abnormal physical conditions with which these children must cope. The effect is expressed also among the children who survive, among many of whom it takes the form of physical weakness, deformity, and mental dullness, if not feeble-mindedness.

In spite of the handicaps which may be detailed to show the disadvantages from which the illegitimate child labors, we cannot but feel that, with the exception of feeble-mindedness these handicaps depend very largely on society's discrim-

ination against him, on the harshness of her program and on the failure of parents to carry out their moral obligations to their children. Lack of care and of opportunity are not inherent and the community can right the wrong done to innocent children by treating them fairly and justly and by refusing to stigmatize them for the sins of others. What becomes of the illegitimate child is not a question with a fated answer.

The normal child, when once it receives justice, will enjoy with the legitimate child the opportunity for right and normal living. There will be little reason for its being less successful economically and socially than if it had been born in lawful wedlock.

The feeble-minded child, however, has no future and unless protected or properly isolated will in turn become the parent of illegitimate feeble-minded children.

CHAPTER VI

AGE OF CONSENT

Age of Moral Responsibility

Within a comparatively few years the legal responsibility of children for their actions and conduct has been revolutionized. The child is no longer considered a man or a woman, but a mentally and morally immature person who should be treated as such. Physiology tells us of his physical immaturity; psychology performs the same office for his mentality and both enable us to deal more intelligently than heretofore with the irresponsibility of childhood and youth.

The history of the world is replete with amazing illustrations of burdens thrust upon, and privileges granted to, immature children. The old Saxon law and its successor, English law, which form the basis of American jurisprudence, were less harsh than the rules of the Orient, but even these were brutal in their disregard of human nature. The age of discretion was fixed at fourteen for boys and twelve for girls. At seven the girl could consent to matrimony and fathers had the right to bring marriages about, but at twelve she was privileged to ratify or annul her consent.

Children of an early age were regarded as normally culpable for acts committed. It was held that, while a child of seven could not be guilty of a felony, a child of eight could be charged with the commitment of a serious crime and be convicted therefor. In the 17th century a boy of eight set fire to two barns. He was apprehended, tried, convicted and sentenced to be hanged; and he was hanged. English history also tells us of a girl of 13 who killed her mistress and who was burned to death for the offense. The tenderness of youth received but scant consideration and the acts of chil-

dren like those of adults, were visited with swift and cruel forms of punishment.

Barbarous as it may seem to us today, ten years was the accepted age of consent according to common law. Any male having carnal knowledge of a female under ten years of age with or without her consent was guilty of rape and punishable accordingly. If the female was ten years or over and she consented to immoral relations, no crime was committed. The law therefore assumed that a girl of ten had sufficient knowledge and adequate appreciation of the meaning of sex relations to relieve any seducing male of a charge of crime.

Since the age of discretion was fixed at twelve some confusion developed in regard to the exact age of consent, and in order to avoid further misapprehension, a law was passed during the reign of Queen Elizabeth, according to which ten years was established as the age of consent, and carnal knowledge of any female under this age, although she may have freely consented, was made a felony. The English law, carried to the United States, included this traditional and statutory age of consent; consequently, practically every American state formerly fixed the age at ten years. Delaware, however, enacted a definite statute fixing the age at seven years. Moral discretion and knowledge of the meaning and consequences of sex relations at seven years! Can any travesty on justice perform a more brutal offense? On the whole, in the different states of the Union, a female of ten was presumed to be incapable of consenting to sexual intercourse, but this presumption was rebuttable as is shown in the following extract from a decision in 1867 by the Ohio Supreme Court, relative to the right to charge a boy of fifteen, who had carnal knowledge of a girl of eight, with assault.

"Some age must be fixed upon below which no child would be deemed capable of giving that intelligent consent which would, in the eyes of just people, be any excuse or even mitigation of an act of carnal knowledge beyond what would exist were it actually against the will of the child. Ten

years is, perhaps, as safe as any age that can be fixed upon.

"The testimony satisfies us that she, (the injured girl), had quite intelligence enough and knowledge enough to understand substantially the nature of the act attempted and to render her actual consent inconsistent with the legal idea of an assault."[53]

Is it any wonder that, with philosophy prevailing such as the above, women began to rebel against the outrages perpetrated upon their sex? It is inconceivable, how, in the face of the teachings of modern psychology, so ridiculous a position could be held. Ten years "as safe as any age" for an age of consent! A girl of eight able to understand substantially the nature of the act committed. Such absurdity needs no comment. Nevertheless, it was this point of view which prevented the advent of age of consent laws that have harmonized with the conditions of modern society.

The determination of a proper age of consent depends on several considerations. Any age below puberty ignores the physical immaturity of the female and never could have had any justification even in the days of common law. The approximate age of puberty is twelve years, two more than the traditional age of consent. Puberty, however, does not signify physical maturity. It merely represents the first stage of this development. After this period the sex impulse begins to assert itself and consent to carnal knowledge may imply the desire to gain sexual gratification.

The second consideration relates to knowledge of the consequences of sex irregularity. That a girl under the age of puberty can have full knowledge in this respect is unthinkable. She may know a few superficial facts, but a deep measure of knowledge is impossible. Furthermore, several additional years of life do not adequately broaden that knowledge so that the choice of immorality is accompanied with an accurate estimate of the pain and sorrow that may be involved.

[53]17 Ohio State Reports. 518-19.

And as far as physical suffering is involved a girl or woman who has never borne a child, has but little idea of the nature of the suffering that must be endured.

Closely allied to the second factor is the moral responsibility of the girl. At what age should the full consequences of a moral lapse be thrust upon the young woman? What is the proper age of discretion in relation to sex habits? The juvenile court age has been raised to 16 or 17 years and in a few cases to 18. This implies that girls under this age are not considered fully accountable for their acts, and are victims, in part at least, of unfavorable external conditions. Would 18 years then represent a proper age limit to be established in our age of consent laws? Many girls who become mothers of illegitimate children are morons and mentally and morally unable to decide problems wisely for themselves. They will never arrive at the point of mature judgment and should, therefore, be protected. A scientific age of consent law must consider mental as well as physiological age. A definite age limit without qualifications for the mentally subnormal leaves the immature girl at the mercy of unscrupulous men.

It is also unfair to throw full responsibility on a girl who lacks legal and industrial power and capacity. A female becomes of age at 18 and until that time cannot expect to possess the earning power of an adult woman wage earner. In the eyes of the law she is an "infant." Is it fair to make her entirely accountable for her moral actions when her rights are otherwise so limited? Is it not true that the discrimination which compels a girl to carry full moral responsibility for one of the most serious of human acts but holds her mentally incapable of mature judgment in regard to other matter lacks scientific basis and indicates the influence of prejudicial conditions?

A very important consideration is the social consequences dependent on the varying age limits. What age limit will best serve the interests of society? The suffering of women

and the ills of children must be reduced and the morals of all—both men and women—be improved. The aggressors must be checked, be they men or women, and the welfare of any individual be subordinated to that of society. Yet, if possible, the good of the individual should be made to harmonize with the good of all. At what age does the protection of the girl cease to be a virtue and become a menace? At what age would the normal young woman freed from moral responsibility for sex irregularity tend to break down standards of conduct and promote unwholesome living?

Finally, the present administration of our bastardy laws is so unjust to women that compensatory legislation is well worth considering. Only a small proportion of men incur any financial obligation as fathers of illegitimate children, and the few who do are not usually required to carry a very heavy burden. In fact, the cost of sex irregularity is paid for almost entirely by the women involved. So long as full responsibility is not or cannot be enforced against fathers, so long it is necessary to deal leniently with females who are still under age.

On the other hand moral responsibility must not be limited to the male sex. Otherwise young women will gradually lose their high ideals and begin to tempt their less resolute male associates. Unless they are compelled to bear part of the burden many women will lapse in morality and become a bane to the community. Probably no one will deny that a normally minded mature woman should be required to share the responsibility of her missteps. Nevertheless, it should not be forgotten that in all cases, woman bears the greater proportion of suffering and sorrow. Although the blame may be equally divided between the man and the woman, the suffering is not similarly equalized. Consequently, the immature female must be favored in order to give her justice.

The author believes that if ideal conditions existed as to sex instruction, protection of weak-minded women and girls and actual responsibility of fathers for their illegitimate chil-

dren that the unqualified age of consent might be justly fixed at sixteen years. Any age lower than this is patently unfair and so disregardful of the immaturity of the girls that it cannot receive serious support.

When a proper plan of sex instruction is carried out every normal girl of sixteen will have been so thoroughly enlightened in regard to sex life, moral ideals and the consequences of immorality that the responsibility for sin may well be shared by her. This standard, however, is too low unless the girl is normally minded; that is, of average intelligence and without any traces of weakmindedness.

No girl or woman of any age should be forced to suffer the full consequences of a moral lapse if she is so immature mentally that she is incapable of ordinary prudence and discretion. Courts are now beginning to excuse offenses committed by feeble-minded persons and to demand their segregation in proper institutions. Should not the feeble-minded when they are victims of a crime receive at least equal consideration?

An unqualified age of consent should be fixed at sixteen years and the years from sixteen to eighteen should constitute a period in which girls of this age would be amply protected if previously moral or of low mentality; that is there should be a conditional age of consent fixed at eighteen. Whether the prevailing ignorance of girls relative to sex matters justifies the establishment at present of the unqualified age of consent at eighteen is a serious question. The enforcement of high ideals on men is a culmination most earnestly desired but responsibility must also be developed in young women and efforts be made to reduce injustice to a minimum.

Evolution of Legislation

Age of consent, as has been stated, is a part of the law against rape. The seriousness of this crime has powerfully affected the establishment of age limits. At one time English law considered rape as trespass and the penalty was

slight. William the Conquerer, however, mixed barbarism with eugenics by punishing the crime with destruction of eyesight and castration. Gradually the Elizabethan law relating to age of consent became unsatisfactory and in the reign of George IV a law was passed providing that the carnal knowledge of a girl under ten was a felony without benefit of clergy and of a girl between ten and twelve was a misdemeanor, punishable by imprisonment and hard labor. This law accordingly raised the age of consent two years from the level formerly established.

Increased agitation for further reform resulted in the law of 1881 whereby carnal knowledge of a female between ten and twelve years of age was made punishable with penal servitude for three years, or imprisonment at hard labor for two. This advance also proved insufficient and in 1885 the law was amended by making the crime a felony in case the girl was less than thirteen years of age and a "criminal offense" punishable with two years' imprisonment if she was between thirteen and sixteen years, even if she consents or solicits. According to this law the age of consent is fixed at sixteen years, but severity of punishment is made to depend on the age of the child. This constitutes the English law on the subject at the present time.

The British colonies have also been compelled to cope with the problem. Beginning with the age limit fixed at ten years, they have gradually raised it to sixteen or seventeen. In several Australian states the fixing of the limit at seventeen years is by many credited to the new influence of woman suffrage, which was obtained before the laws were amended. There can be no doubt that the political power of the women was a factor in the campaign.

Laws in the United States

In the United States one of the handicaps to progressive legislation consists in the right of each state to make its own

laws on the subject. Consequently 48 states are governed by 48 different laws. Beginning as most of them did with the age limit fixed at 10 years, they began to demand reform about 1885 and thereafter. For a period of ten years many states enacted improved legislation and in 1895, nineteen states had imposed an age limit of fourteen years and in twelve states the age had been raised to sixteen. In many states, reform has been gradual and several changes in the law have been made; for example, Illinois raised the age from 10 to 14 in 1897, and then increased it to 16 in 1905; Colorado raised the age, first to 16, and in 1895 to 18, being the first state to adopt this high age limit. In California the successive laws made the age of consent 10, 14, 16, and 18 years respectively.

When the absurdity of the ten-year limit dawned on our various states, the change to 14 years was made with comparatively little difficulty. The more serious problem has consisted in lifting the age above this new level. Legislators have claimed that girls of 15 and upward were fully competent to care for themselves, to assume the responsibilities for sex irregularity and have the needed knowledge to protect themselves if they wish to do so. Probably no campaign for reform illustrates the deep-seated antagonism to placing greater responsibility on men than that carried on in Colorado to raise the age limits from 16 to 18. This was fought bitterly by the protagonists of vice and was likewise opposed by many good and well-meaning men. "The girl of 18," said they, "has ample knowledge of sex problems and sex facts, much more than girls of 14 or 16. Why penalize young men for the lax morals of young women? Let the latter bear their own burdens; the fault is theirs if they consent." Behind this form of argument and philosophy was the veiled wish to prevent interference with the annual crop of deceived, gullible and weak-minded girls who meet the wishes of immoral and designing men. The sincere opposition to this law based its arguments on the reputed maturity of the girl of eighteen.

But no juvenile delinquency laws had as yet been enacted and the age that constitutes a reasonable dividing line had not been given sufficient consideration. Our more enlightened present attitude toward juvenile delinquency greatly facilitates the enactment of improved age of consent laws.

In several states legislation has taken the direction of establishing an absolute age limit and also a qualified one. The Missouri and Nebraska laws are examples of this principle. Both fix the age limit at fifteen years, but provide further that the law shall apply to females between fifteen and eighteen years of age, provided they previously bore a chaste character. Unfortunately court procedure is such that this clause practically shifts the burden of proof to the injured girl and makes the successful outcome of charges made by the older girls a comparatively remote contingency. Too many young men are ready to assist in besmirching the character of a girl, especially if it tends to remove the barriers to continued licentiousness on their part. Occasional cases are successful, however, and the Supreme Court of Nebraska has upheld the validity of the law in the case of a girl who was sixteen years of age. This type of law should be strengthened to insure the protection of the backward, retarded or ignorant girls, precisely the ones most in need of the shelter of the law. Furthermore, socially-minded court officials are needed to enforce the law and to make men bear their share of the burden. Failure of the courts to give justice is largely responsible for the rapid movement in the direction of fixing the age limit at eighteen. Since 1900 many states have amended their laws and when once a new age limit has been fixed it has not been lowered.

The situation in 1919 in the various states in regard to age of consent laws is given in the following table. The term "qualified" is used to designate conditions which require that the female be of previous chaste character.[54]

[54]Table based on figures compiled by the American Social Hygiene Association.

AGE OF CONSENT	NUMBER OF STATES AND TERRITORIES*
10 qualified 18	1
12	1
12 qualified 18	1
12 qualified 21	1
14	3
15	3
15 qualified 18	3
16	20
16 qualified 18	1
18	14
18 qualified 21	1
.... qualified 18	1

*Including Alaska and District of Columbia.

These figures show that only seven states have a limit of fourteen years or less; of the remainder twenty have fixed the age of consent at sixteen, while fourteen have adopted an eighteen year limit. Mississippi retains the twelve year limit but several of the southern states have fixed the age at eighteen. In two states if the woman was previously chaste the law applies until she is twenty-one. In a number of instances the higher age limits are largely due to the demands made by women in equal suffrage states, but in other states they were obtained without this advantage.

Age of consent laws frequently fix an age of culpability for the male. Where no age is specified the age of discretion is held to be fourteen, unless the juvenile delinquency law interferes to mitigate the offense. In some states the law fixes the age for males at 16 or 17 and any male of this age or upwards who has carnal knowledge of a female of a certain age or less, with or without her consent, is guilty of a crime. The fixing of such a limit for males is just and corresponds to our policies in connection with the treatment of juvenile delinquency. No doubt the young boy is frequently deceived in part and should not be held to full accountability for offenses committed. This principle, however, must not

prevent him from being brought into the juvenile court for trial and appropriate disposition or punishment; and if the victims are very young girls severe punishment must be inflicted.

A final feature of our laws relates to the grading of punishment according to the age of the female. In at least nine states, the male is punished more severely if the female is below a certain age. For example, in Minnesota three grades of punishment are provided for. The harshest applies in case the girl is under 10; a milder punishment is inflicted if she is between 10 and 14; while the lightest penalty is imposed if she is over 14. Usually, however, only two different penalties are legalized, and the age limit which distinguishes them is fixed at 12 or 14.

It would be well for the social workers interested directly in the reduction of illegitimacy to give more attention than heretofore to age of consent laws and their enforcement. Properly enforced these laws should greatly check the prevalence of immorality. So far, however, they have accomplished but little. The juvenile court records show that a large proportion of the delinquent girls brought into the courts are sexually immoral and that many of them are under the age of consent. Again we have seen that a remarkable proportion of the unmarried mothers are less than eighteen, with the probability that their sex experiences began a considerable length of time before this age. If every state would raise the age of consent to the socially desirable point and enforce the law, the promiscuous sex relations now prevailing among young delinquents would become a very serious matter and the males especially would exercise more caution. While our laws punish offenders against little girls, they do but little to safeguard the adolescent girls whose knowledge is widening but who are still too ignorant to understand the full meaning of an immoral act. A well enforced law would offer considerable protection and would prove a deterrent factor of no mean importance.

CHAPTER VII

LEGISLATIVE REFORM

We have reached a turning point in the history of legislation concerning illegitimacy. The people are becoming restless under the ineffective laws of the past. They are unwilling to trifle with the problem and are beginning to demand a legislative program that will accomplish results. However, our unity of action stops at this point. The various state programs differ widely from each other. Furthermore, the underlying principles are not the same. As far as they affect the children directly, these principles deal with the relation to the status of illegitimacy. A growing number of individuals feel that there is no social justification whatsoever in the laws that penalize children who can under no conditions be responsible for their illegitimacy. They believe that the better treatment of such children as well as a marked diminution in the number of children born out of lawful wedlock will follow the abolition of the status of illegitimacy. Another group would punish more severely than ever before the offending parents, but not remove the legal handicaps of the child. In fact, if bastardy is made a crime it is hardly possible at the same time to consider the child as legal offspring entitled to all the privileges of a legitimate child. On the other hand, if illegitimacy does not exist, what is now bastardy cannot be declared a crime. Each point of view will carry with it a properly co-ordinated chain of laws, both aiming at drastic consequences. Certain legislation, however, will be similar no matter what the point of view. It is difficult to believe that such divergence will continue. It seems that in the long run we must relieve the illegitimate child of all his disabilities and give him a start in life equal to that of the child born in lawful wedlock. An aggressive program

applied to the parents and a comprehensive plan of prevention should reduce to a minimum the number of extra-conjugal births and ameliorate the lot of these children.

Registration of Births

The registration of births represents a most important step in a program of child welfare and within the last few years many states have enacted laws providing for such registration. A model law requires the birth certificate to contain the following information:

I. Place of birth of child, its name, sex and legitimacy, also whether it is a single or plural birth.

II. The full name, residence, color or race, birthplace, age and occupation of the father.

III. The maiden name, residence, color or race, birthplace, age and occupation of the mother.

IV. Number of child of mother and number of children of mother living.

V. Whether or not child is born at full term.

In some states certain facts relating to illegitimate births are suppressed or at least prevented from appearing on the birth certificates. Missouri is an example, and carefully forbids the recording of any information about the putative father. When the law was first enacted many of the certificates filed did contain such information. They usually included his name, probable address, occupation, and sometimes his age. Gradually, the registration of births was handled with increasing effectiveness, and as a result the provision prohibiting the recording of facts about the putative father was enforced. If birth certificates now contain this information they are promptly returned to the physicians or persons who filled them out with instructions to obey the law. There is now a complete suppression of any facts that the mother may be able to give about the man whom she claims is the father of her child. What is true of Missouri also holds for various other states. In most states the common law mar-

riage is considered valid, and as these marriages are not very stable, many births occurring to parents who had contracted such a marriage are classified as illegitimate and the side of the birth certificate where questions about fathers are to be answered is left blank. It must not be forgotten in this connection that when the birth certificate is made out there often is no official information about the paternity of the child and any statement made may be the unsupported testimony of the mother. In some states the information given by her about the putative father is recorded on the birth certificate and filed. This is done quite apart from the official determination of the paternity. Sometimes, therefore, innocent men may be subjected to calumny and shame. On the other hand, whenever legal procedure has been followed and paternity determined, the information concerning the father is quite as valid as that for the mother.

Another variation in recording information about illegitimate births is that furnished by the ordinances of the city of Chicago. According to these any patient in a maternity home may file her name and address and that of the father of the prospective child and certain additional facts, all of which shall be kept in a secret record to which no person except officials and employes of the Department of Health have access unless by order of a court of competent jurisdiction.

This system, unfortunately, is practically useless and the number of such records is amazingly small. The city of Chicago has no adequate records of the prevalence of illegitimacy within its bounds and this law, perhaps, operates as one of the agencies to prevent the compilation of this much needed information.

In the District of Columbia, illegitimate births have been registered since 1907. One provision of the law makes it optional for the physician or midwife, in case the baby born is illegitimate, to include on the birth certificate any facts that might lead to the identity of father, mother or child. Ac-

cordingly, in about one-fourth of the cases, the information gained is just as limited as the law allows.

The different types of laws as given above represent various grades of endeavor to conceal official information in respect to illegitimacy. If concealment safeguarded public and private morals and protected the child then such a procedure would be justified, but the example of the past, when mothers could give away their babies and go away undetected, is a sufficient answer to this blundering policy. The official recognition of facts which few people peruse directly differs widely from newspaper notice. The two must not be confused with each other. It does not follow that because the latter is undesirable that the former is also.

There must be adequate birth registration. We need to know how many children are born out of lawful wedlock, and as many facts about their fathers and mothers as will be necessary to a proper understanding of the problem. We cannot forego the statistical information even though the status of illegitimacy be abolished, for the abnormal condition still remains. Nevertheless, some thinkers believe that in addition to the concealment of the facts about the father, the mother's identity should also be hidden. For example, a well-known social worker says, "It should be made lawful for the expectant mother to assume a fictitious name for the purpose of registration and report, (as Mrs. Mary Smith; Mrs. Alice Brown, etc.), in order not to expose her identity; provided that the same name shall be used as long as she is a subject of public record and shall not be changed except to resume her own name."[55] This writer recognizes the need of information about the mother; but he would conceal her identity, as has been done for example in many cases in Washington, D. C. Certain difficulties arise in this connection and it is doubtful whether the birth record can become a reliable source of

[55]The Child—August, 1912. p. 31.

information about the age of children, their identity, relationships, and other important conditions.

There will probably come a time when exact facts as to a child's age and identity are necessary. It will be difficult, if not impossible, to secure these if incorrect names are given on the birth records, even though some key to the right names be used and kept under strict surveillance. Again, the mother cannot hide the fact of illegitimacy and its concealment on the birth record would be of little service to her.

Another plan contemplates recording all known facts, that is the information about the mother and also about the father if the paternity has been legally established. Many persons believe in the Minnesota plan whereby the name of father is omitted until the paternity of the child has been established; whereupon a record of the fact is transmitted by the courts to the state registrar of vital statistics and the information then added to the birth certificate. Unless ordered to do so by a court of record, no person connected with the official birth registration may disclose to any person whether any particular child is legitimate or not. Provision is made by the law for a public record of births open to general inspection. This record gives the name, sex, color and date of birth of the child, its birth-place and the name and age of the mother. It is this record which is to be used when facts about the child are necessary for the enforcement of the compulsory attendance or child labor laws.

This plan, however, is not by itself a sufficient remedy for the situation. Every child should, if possible, be gifted with an official father. Unless such a law is supplemented with an effective board of guardianship that attempts to discover the paternity of every illegitimate child as far as evidence can be obtained an injustice is done both to the mother and to the child.

The public need not always know about particular men or women but it must be informed about the extent and tendency of illegitimacy and its causes, for without such informa-

tion it will not formulate an adequate program of reform or prevention.

Supervision of Maternity Homes

Drastic legislation is needed to control maternity homes and baby farms. Appropriate laws must be enacted to govern such practical activities as receiving, caring for and treating pregnant women; receiving and boarding children under three years of age; receiving illegitimate children, and having in custody or control two or more infants under three years of age unattended by parents or guardians. The Indiana law is an excellent one; among its provisions are the following:

Maternity hospitals and boarding houses for infants must operate according to rules established by the Board of State Charities.

The State Board may grant licenses to institutions that meet the requirements, and licenses must be renewed annually.

Each institution must keep adequate records and these records must be accessible to the delegated authorities.

In the case of women admitted to a hospital, prompt reports must be made to the board of charities. When births occur similar reports are necessary. If babies are brought for adoption, for placing out, or for other methods of disposition, proper records of the facts must be transmitted to the State Board.

Unless authorized by the State Board no person other than the judge of a court shall place a child under three years of age for adoption or permanent care with any person other than a relative of the child. A provision of this kind according to which the placing of a child is supervised by a public board is most necessary to safeguard the life and health of the babies.

Licenses may be revoked if considered advisable.

The confinement expenses of the mother of an illegiti-

mate child, unless paid within four months after such confinement, may be charged against the county in which the woman had legal settlement and illegitimate children may be taken with their mother to the county where the mother had legal settlement. Women from without the state who become public charges may be removed with their illegitimate children to their place of residence in the state from which they came.

In some respects the Massachusetts law is even more drastic. It provides that a person who gives to any person an infant under two years of age for the purpose of placing it for gain or reward under the permanent control of another person is guilty of a crime and whoever receives an infant for gain or reward with such purpose is also criminally liable. It also requires any person receiving an infant under three years of age for board or for the purpose of procuring adoption to ascertain whether it is illegitimate and, if that is probable, to notify the state board of charity at once. Such an infant is in the custody of the board.

On the other hand, the law allows the mother of an illegitimate child under two years, if of previously good character and a resident of the state, to surrender her child to the state board of charity for adoption. The mother thereby gives up all claims to the child.

Wherever laws controlling maternity homes or hospitals and baby farms or boarding homes for children have been enacted, most deplorable conditions have been revealed and on enforcement of the law good results have been obtained. Indiana and Massachusetts have both been conspicuously successful in abating these persistent evils. Private maternity homes of the low-grade commercial variety have been practically driven out of existence and the numerous centers where babies were neglected and died have been forced to discontinue their work. The evidence given in a previous chapter as to conditions in several cities shows the importance of proper legislation to lessen this abuse. Among the most

beneficent results will be care and attention to the illegitimate child and to some extent a diminution in the amount of illicit parentage, but the consequences in a lowered infant mortality, the prevention of neglect and the securing of good homes for the children are alone well worth the effort.

Bastardy Laws

An important feature of our laws relates to proceedings for bastardy. In forty of the states so-called bastardy laws or laws providing for paternal support of illegitimate children have been enacted.[56] The remainder have no laws and the unmarried mother has no recourse to law and cannot compel the father of her child to contribute the slightest amount toward the support of her child. Two points of view have been held in regard to such proceedings. Sigmund Engel speaks of these as the Teutonic and the Latin, but it is somewhat harsh to distinguish them so sharply by these terms. The Latin idea prohibits inquiry into paternity of an illegitimate child. The impetus to this method of dealing with illegitimacy was given by the Napoleonic Code. This distinctly interdicted inquiry into the paternity of a child and thereby placed the entire burden of support on the mother or the public. The Napoleonic Code was carried to a large part of Europe and became fundamental law in many states and countries. In Italy the law took the extreme position that not even the mother was compelled to recognize her child. In some respects this situation is not perceptibly worse than that portrayed in the law of the District of Columbia, as was shown above. The French law spread to the Latin countries and also invaded the nations of Teutonic blood. Nevertheless, its main strength has been in the Latin countries; and elsewhere it has been largely superseded.

[56]A thorough analysis of bastardy laws in the United States is given in the report of the Federal Children's Bureau entitled "Illegitimacy Laws of the United States and Certain Foreign Countries."

On the other hand, in England, Germany and Scandinavia, considerable advance has been made along opposite lines; that is, in efforts to develop plans for a more successful inquiry into paternity and to enforce paternal support. This point of view is gaining ground everywhere and promises to overthrow the prohibition contained in the Napoleonic Code. The fact that every child has a father is slowly being supplemented by the principle that every child, as far as possible, must have an official father. Accordingly the facts about paternity must be determined, officially recorded and responsibility placed on fathers. France amended the Code Napoleon in 1912 and now allows limited inquiry into paternity.

The bastardy laws of the American states bear many points of resemblance but differ from each other in minor particulars. A few states, however, have laws based on quite different principles. The following cursory analysis of these laws is intended largely to acquaint the reader with the general scope and purpose of such laws and is not in any sense a digest of these various state laws.

To begin with, bastardy is in almost all instances subject to civil rather than to criminal action. In very few states is the father a misdemeanant, and dealt with as a criminal. Massachusetts, Maryland and Pennsylvania, however, do classify the offense as a crime and, therefore, make it possible to follow the criminal procedure. In the majority of cases the rules followed are those of the civil courts although in many states the method used is classified as quasi-criminal. Some laws definitely state that cases shall be handled in accordance with the practice and procedure applicable to civil cases and that the rules of evidence and the competency of witnesses shall be the same. The purpose of action in all of these cases is to secure protection and support for the child, and to prevent him from becoming a public charge, but not to punish the fathers. This purpose is essentially emphasized by the fact that the law usually applies only when the baby is born alive and that judgment is rendered in favor of the

child. In case of a still birth or death soon after birth, the charge is dropped and the defendant dismissed, in spite of the fact that the mother may have incurred a large expense at the time of her confinement. The law is interested in the care of the child and not in the burden that has been placed on the mother. It does not consider that the man involved is at least a contributory factor and ought to share the cost of his folly or immorality.

There is some variety in the method of bringing suits. In many of the states the woman must make the complaint to the justice of the peace or judge of the court having jurisdiction and institute the prosecution against the person whom she charges with being the father of her child. She must in these cases secure her own counsel to prosecute her case and is subjct to practically the same rules that cover other civil suits. This restriction implies that the law considers proceedings for bastardy as a mere private action and as a case in which the state is interested only as it is in other private actions. On the other hand, in many states after complaint is made by the woman the case is handled by the prosecuting attorney. Here the procedure resembles that of the criminal courts, and the state becomes an interested party. In theory this method of procedure enlists the co-operation of the state in the establishment of the identity of the putative father and in securing paternal support for the child. In Kentucky the law goes so far as to prohibit the mother from dismissing the prosecution after the court has once acquired jurisdiction of the case. In Iowa the prosecution may be instituted by "any person," but the public attorney is authorized to proceed with the case. It should be a considerable advantage to make the state a party to the case. In fact, the tendency of bastardy legislation is distinctly in the direction of the viewpoint that illegitimacy is a problem of public concern. In some of the states, especially those with well developed poor laws, cases involving the public support of the mother and her child may be prosecuted by the overseers of the poor. Charitable sup-

port is not extended to any except those without means, and since the father has an obligation to the child, the "poor" officials may use such means as lie within their power to gain private support for the child. Therefore, when an unmarried mother asks for aid, they may at once apply to the court for an inquiry into the facts and circumstances of the case and bastardy proceedings may be instituted quite apart from the voluntary action of the woman herself.

Practice in regard to charging the cost of the suit is not uniform. Wherever the procedure is distinctly civil, the prosecutrix bears the cost if she loses the suit. Some of the laws state that under these conditions the charge lies against her. It may be the custom to pay the costs even though the case be handled by the prosecuting attorney, but where this method is followed the cost is lower than where private counsel is employed. When the overseers of the poor prosecute a case, no charges can be imposed on the woman, as she is without the means to pay them. When criminal proceedings are instituted the burden rests on the state. In some cases, even under civil action, the costs have been divided between the complainant and the defendant, and if the woman wins the suit the costs are charged agaist the man. As a general principle the cost of prosecution, even though she loses, should not fall on the woman, except in those comparatively rare cases when some malicious or vexatious charge has been made.

When a case is tried the woman is admitted as a witness unless she has been disqualified for particular reasons. Ordinarily, it is difficult to prove the charge on direct evidence; hence, reliance is placed almost entirely on circumstantial evidence and it is not usually required to prove guilt beyond a reasonable doubt.

One of the most unsatisfactory phases of the enforcement of our bastardy laws is the amount of compensation allowed for the support of the child. When marriage takes place, this act serves as a bar to prosecution and the father is expected

to support his family. Should he desert or fail to support his wife and child, proceedings must be brought under the family desertion and non-support laws of the state. Sometimes, in lieu of marriage or because the man is ineligible for marriage to the woman, a compromise is effected out of court. Usually, the woman does not know her rights and is cajoled into a settlement which is most disadvantageous and unjust to her. On the other hand, the intelligent woman frequently succeeds in a more agreeable settlement than would be accomplished through the courts. Eight cases of settlement out of court, according to the Boston Conference on Illegitimacy, ranged in amount of money paid from $50 to $500 and averaged $228 each. Girls are often persuaded to settle the cases out of court. Such action is frequently urged by the lawyers, if the man would otherwise compromise or disgrace his family; by public officials in many cities, and often by philanthropic societies working on a case. In certain cities the courts now restrict cash settlements or interfere with them and demand better terms for the mothers.

The law may require the putative father to assist in the maintenance of the child until it has reached a certain age; or to pay a certain sum of money outright; or to assist in such manner and to such an extent as the court may order. The age, when one is specified, is usually fourteen or sixteen. When none is stated judges occasionally require partial maintenance until the child, if a boy, has reached the age of 21, or if a girl, the age of 18. The Massachusetts law makes this requirement. Usually, however, the age when a child may enter the gainful occupations is the limit fixed by the judges. Among the states specifying the maximum compensation to be allowed the mother for caring for the child is South Dakota, which allows a payment of $250 for the first year and $150 annually for ten years thereafter, or a maximum of $1750. Many states do not fix the amount but leave this to the discretion of the judge, so that the maximum may be much higher. Actual practice, however, in the determination of awards in-

dicates a remarkable lenity on the part of judges and officials and law-makers. In the case of eight court settlements in Boston, three were for $150 each or less; three uncertain as to aggregate amount, and two for large sums aggregating about $2,500 each. The Illinois law allows the judge to require the putative father to pay $100 for the first year of the child's life and $50 for the next nine years, or a total of $550. The study made by the Chicago Juvenile Protective Association of 163 cases handled in that city shows that in only 17 cases was the maximum payment ordered by the judge and in four of these the man eluded the payment. Some states empower the overseers of the poor to effect a compromise with the putative father in case the woman has been forced to accept public support. Usually little attention is paid to the problem of permanent support of the child and as a consequence the fathers are not required to make payments commensurate with obligation that rests on them. The growing practice of concentrating cases of a special variety in a single court operates favorably in the large cities toward a greater approximation to justice. Gradually more nearly adequate compensation will be required by the courts.

The defendant after complaint has been made is usually required to give bond and in many states the trial is delayed until after the child is born. Then if he is declared the putative father, and charged with the maintenance of the child, he is expected and in some cases required to furnish surety for the payment of the money. If he is penniless and unable to contribute he may be sent to the county jail or workhouse and if he refuses payment, he will be compelled to undergo the same penalty.

In several cities the administration of bastardy laws has been placed in the hands of domestic relations courts. Already these courts have been established in many of the large cities either according to the mandate of state law or the action of the municipal court judges in designating one of the various courts of the city, as a particular branch to which all

cases involving family and domestic relationships, as far as these courts have jurisdiction, will be referred. Valuable results have been obtained in Chicago. The Chicago court employs an investigator who studies cases and reports findings and frequently advises girls about homes and places for confinement. In three years, 1912-13-14, the number of cases appearing before the court rose from slightly more than 411 to 720. Even this number represents not more than one-fourth of all the cases of illegitimacy annually occurring in Chicago. In practically one-third of the court cases a marriage is arranged and in a large proportion the putative father is designated and a certain amount of maintenance exacted of him. Some supervision is also exercised over the collection of money for the woman, as in many cases the man evades his duty if it is at all possible. The records of the court indicate increasingly satisfactory dispositions of cases.

The city of Buffalo furnishes a good example of co-operation between the court and the other public agencies. In New York an illegitimate child is a public charge and the officials can proceed at once with the case. In Buffalo applications for care come to the Commissioner of Charities and Corrections. Many of the cases are handled directly, and about one-third are brought into the Court of Domestic relations. No attempt is made to try cases that are very doubtful or likely to be lost. When the action is successful the defendant is required to pay $40 for the lying-in expenses of the woman and $3.00 per week for the care of the child as long it is provided with public care. Usually he must give surety for the payment of about $500, and if he fails he receives a jail sentence. By co-operating with the court, the public department of charities carries much of the social service work which must be done for the mothers and babies.

Bastardy is not an extraditable offense except in states where it is a crime and therefore if the putative father escapes to some other state no proceedings can be brought against him and the mother can obtain no redress whatsoever. Men

frequently choose this alternative to a forced marriage or an order for regular support of the child. Minnesota has finally made legal provision to cover this situation. The new law makes it a felony for the father to abscond from the state to evade proceedings to establish his paternity is some particular case. The man can therefore be extradited and the bastardy law evoked. The extraditable offense, however, is not bastardy but the attempt to evade the operations of the law.

In Pennsylvania bastardy has for many years been classified as a criminal offense of the grade of misdemeanor. It follows from this fact that proceedings can be brought against a man as soon as information justifying action is received. The state can take the initiative and push the case to a conclusion. Until recently, however, public opinion has not given the law greater vitality than the laws of other states. Within a comparatively short time attempts have been made, especially in Philadelphia, to concentrate bastardy cases into one court and to handle them very much in the same way as juvenile court cases are handled; that is, by preliminary social investigation of the case, the avoidance, as far as possible, of a public hearing which would require the woman to rehearse nauseous details before a group of men, by settlement out of court, and by safeguarding the payment of compensation to the woman. The use of the probation officer as an agent to bring about the rehabilitation of the woman and acknowledgment of responsibility in the man is a long step in the direction of successful work.

The work now accomplished in Philadelphia deserves particular mention. All cases of bastardy are referred to the Criminal Division of the Municipal Court for trial. Arrests are made quietly, the preliminary hearings are private and the interests of both the man and the woman are protected. When a case is listed for the court, a summary of the facts is presented to the district attorney, the witnesses are summoned and the probation officers carefully watch the pro-

ceedings. Prosecution must begin before the child is fifteen months old. In actual practice the proceedings are in the larger share of cases instituted at the birth of the child, or during the period immediately preceding or following this event. In 1915 the court dealt with 640 cases and disposed of 333. Weekly court orders were made in 169 cases and the men involved ordered to pay sums ranging from one to three dollars, and averaging $1.77, per week, for a period of fourteen years. In about one-fourth of the cases confinement expenses were also assessed, and in ten instances the compensation was limited to such expenses. Cash settlements were verified in 25 cases, the compensation ranging from $75 to $750, and averaging $222. In 53 cases marriages were effected. Many of the men, however, failed to pay regularly and during the year more than 100 cases were transferred to the domestic relations division of the court where they were placed on probation and efforts were made to enforce the orders. The Municipal Court also collects valuable data about each case of illegitimacy, partly that a constructive program may be more easily realized and partly in order to throw light on the causes and conditions underlying the evil. In Philadelphia the feeling is gradually beginning to prevail that bastardy cases are to be solved to the advantage of all as far as possible, and are not to be a mere football for lawyers. As a result the efficiency of the probation and investigating officers has been greatly increased.

In 1913, Massachusetts enacted a new law providing for the care of illegitimate children, and also made bastardy a crime. Under this law the putative father may be compelled to pay for the confinement expenses of the mother and to make such payments as may be considered expedient for the care and welfare of the child. The judge may from time to time alter the maintenance order as the exigencies of the case may require, the man being liable to contribute reasonably to the support of the child during its minority. Furthermore, the family desertion law is made to apply and, in case of neglect,

the man can be brought to justice under this law as well. He can be convicted and fined or imprisoned, or both, and can also be placed on probation subject to orders to pay stated sums of money to the probation officer.

By making bastardy a crime Massachusetts can now demand the extradition of men who escape from the state. A larger number can, therefore, be apprehended and tried, but conviction will also be more difficult because convincing evidence must be introduced. The case can now be tried when the mother is six months pregnant instead of being delayed until the child is born as is the practice with some exceptions in the various states.

In the United States and in most European countries the principle "exceptio plurium concubentium" constitutes a valid defense for the accused man in a bastardy action. According to this principle if the man can prove that the woman also had intimate relations with some other man during the period of time when conception may have occurred the case is dismissed because the actual paternity cannot be proven. As a consequence young men frequently prevail on their friends to testify to immoral relations with the prosecutrix. Little harm is done because the case immediately collapses and the offense of the young men is soon forgotten. So long as the purpose of bastardy proceedings is to designate the putative father in order that his obligation to the illegitimate child may be enforced, the above mentioned principle is valid. If the question to be decided is, who is the father, then the prosecution can make no case if promiscuous intercourse is proven. The best thought, however, no longer supports this principle. Extra-conjugal sex relations and children born out of wedlock give rise to a variety of problems. There is the interest of the mother and of the child, as well as the need of moral standards for the community. The most important question is not the identity of the putative father, but the plan of procedure which will best safeguard the interests of society. To become genuinely effective the law must actually reduce

the impulse to immorality, while it makes provision for the mother and the child. If a number of men have each risked the possibility of paternity their intent is quite as immoral and debased as if each one were clearly proven the putative father of some illegitimate child. Modern penology is more interested in the character and conduct of the individual than in some objective outcome incidental to such conduct. Reformation and improvement require a program adapted to the psychology of the individaul. No constructive thinker believes it right to penalize the man who alone has been intimate with some woman and at the same time to absolve from all responsibility two or more men because their misconduct happened in connection with the same woman. Since the actual guilt is identical it is most unjust to punish the proven putative father and to dismiss the group of culprits. So much more than the support of the child is involved that the right principle of action requires that all men who have sex relations with a woman during the time when conception must have occured shall contribute to the support of the child. It is immaterial who is the actual father. One of several men might have been. Each is potentially guilty and unless each is penalized and held responsible we cannot hope to deter men from immorality.

The Minnesota State Board of Control has taken an advanced stand in respect to this subject and in 1918 adopted a resolution governing its action in illegitimacy proceedings which conveys the following thought; the Board does not think a man is wronged if he is made to bear paternal responsibility when he could be the father of the child according to the evidence even though other men had relations with the girl. Nevertheless it would allow the defendant every opportunity to establish his defense.[57]

On the other hand a woman sometimes selects from a

[57]U. S. Children's Bureau—Illegitimacy as a Child Welfare Problem.—p. 42.

group of men who are implicated the one best able to support her child and brings proceedings against him. Such a man obtains more publicity than the rest and is sometimes a victim of blackmail. A bad situation such as this must occasionally be expected, but even so it does not justify the retention of the principle that all the accused must be freed because more than one is guilty.

A feature of some laws relates to the cost of maintaining mothers and babies that should be cared for in the counties in which the mothers have their settlements. The New York law specifically provides for indemnification of one county by another when it has been proven that the mother has migrated under pressure or influence from her home county to some other community where she has been compelled to accept public charitable support. Such cases are handled in precisely the same way as are "poor" migrating from one county to another. This procedure relieves the counties or towns toward which the pregnant girls gravitate and places the cost where it belongs. It does not, however, require each community to struggle concretely with its problem; since paying a small indemnity is no substitute for actual work and does not educate a community to the need of preventive work.

Greater difficulty is experienced in solving inter-state problems of a similar character. A large number of girls cross state lines in order to reach suitable lying-in facilities. Probably this is not usually necessary and could be avoided if they received other instructions. The only action which any states can take to relieve themselves of an undue burden is to provide for the return of patients to the states from which they migrated. The state of Indiana provides not only for this return of patients to the counties in which they have their settlement but to other states as well. It cannot charge other states, however, with the cost of the service it has given to any women as there is no way of enforcing such a demand. The gradual recognition that bastardy is a condition to be handled separately within each state is also leading private

agencies to discourage inter-state migration of pregnant women and to insist that each state care for its own, since in no other way can the laws be applied.

In the cities the enforcement of laws requiring paternal support of the child will no doubt be best fostered by domestic relations courts. After dealing with family problems of every kind they soon learn to divest themselves of the cold legalism that prevents so many people from securing justice and to view the cases before them as problems in humanity. The atmosphere of the court is then entirely changed and judges and other court officials, such as investigation and probation officers, apply sound principles of social service to their work. As a natural result each case is studied from the sociological viewpoint and settled accordingly, as far as the law will allow. This is a tremendous gain and means greater justice to women and to children, and more difficult escape by men from the consequences of their vice and immorality.

The chief field of courts of domestic relations, however, will be in the larger cities. In the rural sections and small towns the prevailing court system is not likely to change materially for many years. Nevertheless, the gradual humanization of the courts and the education of lawyers in economics and sociology as well as the growing demand by the public for justice will go far toward obtaining good results, especially if our laws are revised so as to become adequate to meet the situation.

The bastardy laws of European countries, with few exceptions, are as unsatisfactory as are our own. Furthermore, illegitimacy is far more prevalent and the people have hardly made a beginning in trying to solve the problem. The status of woman also is less favorable than in America, a fact which profoundly affects the character of the laws. On the other hand, modern and adequate poor laws are an impetus to reform in handling illegitimate children and some countries have undoubtedly felt the result.

In England before 1834 a man could be declared the pu-

tative father of an illegitimate child on the uncorroborated oath of the mother. Harsh treatment was authorized for both parents, yet the laws did not reduce immorality. The law of 1834 required corroborative testimony as to paternity and enabled the local parish to recover maintenance costs from the putative father. An interesting change was made in 1844 when a law was passed which attempted to secure redress for the mothers in addition to support for the child. This law, however, was soon repealed.

The existing bastardy law allows the woman to apply for a summons against the putative father, either before the child is born or within a year thereafter, although under certain conditions, a longer time is allowed. The public guardians or relief officials may also apply, but only after the child is born, apparently on the theory that their only concern is the maintenance of the child. The courts adjudicate the case and if the man is declared the putative father, they make an order that varies according to the exigencies of the case. This order may require the payment of a specified sum, for the care and training of the child, and also for confinement expenses of the mother. If the child has died before the making of the order the man may be required to pay its funeral expenses and to pay the costs incurred in obtaining the order.

In case the application was made by the guardians the putative father may be directed to pay the guardians specified sums for the relief of the child as long as it is being publicly supported. The mother, however, is not relieved from liability for maintenance. When the child is no longer chargeable, the order for maintenance lapses and the mother cannot have the payment of the money transferred to her in case she endeavors to care for the child except by securing a fresh order from the court on her own application. In general, the proceeding is uncertain, and results are very unsatisfactory. The officials complain that the guardians cannot obtain orders for the maintenance of the mother, although she may be dependent on public support for months. Furthermore, in the great

majority of cases no orders of any kind are obtained, many young women leaving the public institutions before proceedings have been begun.

Among the recommendations for improving the methods of procedure, the following were indorsed by the Commission on Poor Laws.[88]

The law should expressly state that an order once obtained whether by the mother or the guardians shall be available by whichever party is maintaining the child.

The law should be amended so that, regardless of the conditions which make the child dependent, the putative father shall be liable for its support and with increasing cost to him if necessary. This recommendation aims to provide for the child in case the mother dies or is incapacitated.

The putative father should be made liable for the maintenance of the mother while she is dependent on the public for support.

The officials in different districts should co-operate in the enforcement of law so as to reach the man who changes residence to evade the law.

There should be an effective system of control of the feeble-minded.

Depraved women should be detained in suitable institutions.

These are rather moderate recommendations and deal largely with the problem of maintenance and support of either child and mother or both. The commissioners apparently had no comprehensive preventive program in mind.

The German Civil Code makes the following provisions for the care of illegitimate children:

The father must support the child until it is 16 according to the mother's station of life.

Support includes necessaries of life, cost of education and of preparation for a vocation.

[88]Royal Commission on Poor Laws. Vol. II, p. 144.

If the child has mental or physical defects longer support may be required.

The father must pay confinement expenses of mother and maintenance for six weeks after birth of child.

Father's duty of support precedes mother's.

If father dies, child has claim on heirs of father.

An agreement between father and child as to compensation instead of maintenance requires the consent of a court of guardianship.

If child dies cost of interment must be borne by father, if heirs of child cannot pay.

Maintenance must be paid three months in advance.

France, Italy, Switzerland and Hungary have in recent years passed legislation facilitating the care and maintenance of illegitimate children, but little, if any, can be considered of revolutionary character.

In conclusion it may be stated that bastardy law and its administration should be improved in the following particulars:

1. An effective method of extradition, whether bastardy is a criminal or civil case, should be provided. If the status of illegitimacy is abolished a plan similar to that devised in Minnesota to bring absconding fathers back to their state should be introduced.

2. Inquiry into paternity should be permitted from the time pregnancy is first apparent until the child is of age, provided the putative father is living.

3. The principle "exceptio plurium concubentium" should be abolished.

4. Joint support of the child by both father and mother should be provided for.

5 The father should be required to support the mother during confinement and incapacity connected with or due to child birth.

6. Orders for the support of child should be adequate and continued during his minority.

7. Effective methods of investigation and of applying the law should be developed. Cases should be handled with as little publicity, and as much outside the courtrooms, as possible.

8. Maintenance orders should be enforced.

Public Guardianship of Illegitimate Children

Recent developments in Germany are of interest to the American social workers because of a certain plan of action of which that country is the originator. It is the guardianship plan. For a long time, Germany suffered from a high rate of illegitimacy and because of the inadequacy of the bastardy law the great majority of fathers evaded all responsibility for their illegitimate children. According to this plan, some knowledge is gained concerning every illegitimate child, since each case is at once reported to the board of guardians. It matters not whether the children are rich or poor, of high or lowly station and born of married or unmarried parents, so long as they are not legitimate. Upon the board devolves the task of safeguarding the interests of the children. In many cases they are being properly cared for and nothing needs to be done except to confirm the practical guardianship that already exists by making the mother guardian of her child. In most cases, however, this easy disposition of the case is not possible and other guardians must be appointed. Owing to the fact that the great majority of unmarried mothers go to lying-in hospitals for confinement, cases are referred to the board for inquiry before the baby is born and support gained from the man involved.

According to Borosini excellent results have been achieved in such cities as Leipsic and Dresden, where the system is being tried.[59] In Dresden in 1907 only 137 fathers were assisting in the support of their illegitimate children, although the city must contain thousands of them and many are born

[59]Journal of the American Institute of Criminal Law and Criminology.—July, 1913.

every year. Remarkable changes have been accomplished, however, within a few years and in 1910 the men involved contributed in 29 per cent of the cases toward the maintenance of pregnant unmarried mothers, and 1209 fathers began to support their illegitimate children for the first time. A ninefold increase of the number in three years implies a new system of efficiency that should not only safeguard illegitimate children but reduce immorality as well. Leipsic introduced the system about 1903 and in a short time the guardians' court became responsible for over 3,000 illegitimate children. In a large proportion of cases it succeeded in making the putative father provide for his child without attempting court procedure but in 650 cases suits were filed. In 1913, 10,188 illegitimate children were under supervision and paternal responsibility had been greatly extended. Such support, however, gradually weakens as the child grows older.[60] A recent law in Austria provides for the supervision of all children born out of lawful wedlock.

The only American state that has attempted to provide illegitimate children with a definite guardian is Minnesota. Every public or private hospital and maternity or infants' home must report each case of illegitimacy to the state board of control. This board when notified of a case is to take measures for safeguarding the interests of the child, for determining its paternity and for securing, as nearly as possible, as much care, support and education for the child as if he were legitimate. Accordingly the board may initiate such legal action as may be necessary to accomplish these ends. It is empowered to enforce the law for the protection of illegitimate children and to do this may co-operate with juvenile courts and child helping agencies of a public or private character. It may appoint county child welfare boards which shall perform such duties locally as the board of control may

[60] U. S. Children's Bureau—Illegitimacy as a Child Welfare Problem. p. 51.

require. In counties where no such board is appointed the juvenile court judge may appoint an agent to assist in carrying out the provisions of the law. The law went into effect Jan. 1, 1918, and will be eagerly watched for results.

In the various states some system of general guardianship similar to the Minnesota plan should be instituted. The board of guardians should receive all reports relating to pregnant unmarried women and to the births of illegitimate children, or if illegitimacy is no longer recognized, to the birth of children born outside of lawful wedlock. The board should at once assume the general guardianship of the children. If they are properly cared for by the mother the chief form of supervision necessary will be probationary oversight either by an official of the board or by some person appointed by the board to serve in this capacity. The board should undertake to provide for the care of every illegitimate child. It should therefore make every effort to discover the father and to require him to assist in supporting the child. The procedure should follow the plan of investigation and sociological treatment common in the juvenile court. The board must not wait until a woman makes a complaint but it must assume the initiative and if necessary take the case into the courts. On the establishment of a child's paternity the court should make an order ample to meet the requirements and the board of guardians should enforce the obligations now placed upon the man. The board should deal with each case according to its merits. Often the parties may be reconciled and persuaded to marry. Sometimes the children should be removed from the parents and in all cases provision for proper care and education must be made. To become genuinely successful a system of general guardianship must be supplemented by effective bastardy and non-support laws and the systematic aid of judges and probation officers.

Child Desertion Laws

A comparatively recent development in the handling of

illegitimate children is the tendency to include provision for their care in a family or child desertion law. Some of the older laws explicitly provide for court action and penalty if the man or woman deserts his or her child or children born in lawful wedlock or legitimized. The illegitimate child is left without protection by such laws and unless safeguarded by other legislation can be abandoned by its parents or mother with impunity. The Delaware law of 1913 illustrates the new tendency in that it requires a parent to support his or her illegitimate children under the age of 16 in destitute or necessitous circumstances. Failure to provide for them constitutes a misdemeanor. The law further states that "it is hereby made the duty of the parent of any illegitimate child or children under the age of 16 years to provide for the support and maintenance of such illegitimate child or children."

The Massachusetts law relating to illegitimate children and their maintenance also passed in 1913 has similar but more drastic provisions. It provides definitely that if any father of an illegitimate child neglects or refuses to contribute reasonably to the support and maintenance of such child he can be punished under the provisions of the wife and child desertion law.

It will at once appear that such a law vigorously supplements the bastardy law that may exist, since a child must be maintained until it is 16 years old. If a child's paternity has been determined and the mother is physically unable to assist in supporting the child, the father cannot avoid his obligations, as he can be reached through the non-support, if not the bastardy, law. Among the first states to amend the law so as to make it apply to illegitimate children were Ohio, Nebraska and Wisconsin, but Massachusetts is the only state that has actually begun to apply the principle.

Pension and Insurance Laws

Since the great war began several European countries have made significant changes in their laws relating to illegiti-

macy. Under certain conditions the illegitimate child in England may now become the beneficiary of the separation allowance granted by the government and also receive a pension if the father is killed as a result of military service. Germany likewise grants pensions for the support of an illegitimate child provided the obligation of the father to render support has previously been established. It plans furthermore to grant such children the same war orphan pension that is promised to legitimate children.

The system of maternity insurance has likewise been extended. In England it applies to both married and unmarried mothers. In Germany a similar rule now applies, limited however, to mothers for whose children the fathers have acknowledged an obligation.[61] In every European country unusual efforts are being made to care for illegitimate as well as legitimate children. The falling birth-rate with its menace for the future of a nation no doubt has prompted much of this kindly effort and legislation.

The American government under the recent allotment and allowance law also made some provision for the illegitimate child. The word child included "an illegitimate child, but as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support and if such child, if born after December 31, 1917, shall have been born in the United States or in its insular possessions." An enlisted man had to make an allotment to the child he was ordered to support and an additional allowance could be granted by the government. However, the allotment and allowance together could not exceed the amount fixed in the order or decree. The law treated the illegitimate child with the same degree of fairness as did the respective states. Wherever the courts fixed adequate amounts for the support of illegitimate

[61]The facts presented in this connection are taken from the paper by Miss Emma O. Lundberg, read before the National Conference of Social Work, 1917. See Proceedings, p. 299 ff.

children a reasonable sum could be obtained from federal sources. In those states, however, in which no provision was made for bastardy cases the child received nothing from the federal government.

Article III of the federal law relates to compensation for death or disability and Article IV to Insurance. Under the same limitations as stated above the illegitimate child could become a beneficiary for the amounts allowed under the provisions of these sections of the laws.

The mothers' pension laws of the various states are gradually removing the restrictions against the unmarried mother. The new Massachusetts law provides that aid may be given to all needy mothers with dependent children under 14 years of age if such mothers are fit to bring up their children. The civil status of the mother is not considered but her eligibility to a pension is made to depend on her character.

The Missouri law of 1917 makes provision for the needy mothers with children under 16 or needy women about to become mothers, provided that the father is dead or if alive is in an institution for the insane, feeble-minded, epileptic, or criminal, or is permanently incapacitated, or has deserted, or been divorced from the woman. The law does not use the terms "wives", "widows", or "husbands," but substitutes "mothers" and "fathers" instead, thereby placing the unmarried mother on the same footing as her married sister. The older pension laws almost without exception limit the benefits to women who are or have become lawfully married, and are a reflection of the prevailing viewpoint that the illegitimate child must be penalized for his parents' transgressions. The removal of all distinctions as in the laws referred to represent the growing tendency to safeguard the welfare of the illegitimate child and to abolish the discriminations from which he has suffered.

Abolition of Common-Law Marriage

Under ideal conditions common-law marriage does not

promise much harm but in actual practice it is extremely disastrous. In the first place there is no record of the marriage and the absence of official evidence frequently leads to most serious results; for example, if the husband deserts it is practically impossible for the wife to secure maintenance because proof of marriage is impossible. It is hard to convince courts that the condition which the man and the woman have called common-law marriage actually constitutes a valid marriage. The man, therefore, is not regarded as a genuine husband and the case is lost.

Again, a common-law marriage is not usually a tie that binds for better or for worse. There is a decided tendency to separate and to live a promiscuous life. If separation or desertion occurs another marriage may follow, either formal or informal as before, yet the proof of bigamy would be as difficult as that of marriage when a case is pressed for non-support. Occasionally, however, the evidence has been sufficiently clear to convict a man formally married who was not divorced from his "common-law" wife, but, on the whole, legal action is usually impossible. Common-law marriage disregards the interest of the state in the family, the home and children, and cannot be a wholesome procedure. It has practically no valid arguments in its favor; and in view of the immorality and loose living which it invites, of the many children condemned to namelessness, of the low standards it produces, and of the degraded home life which it engenders, the system of common-law marriage should be abolished. Nor would the abolition of the status of illegitimacy justify the retention of common-law marriage. It would still be desirable for a child to be born in lawful wedlock since no question would be raised concerning his paternity. So long as difficulties arise in designating the putative father so long it is not possible to justify any system which tends to obscure paternity and to require court procedure to determine it. However, the situation would be less serious than now be-

cause an evasion of responsibility for the child would be more difficult.

Legitimation

In some countries legitimation is possible, in others not. Even in England, as was previously stated, where the putative father may be apprehended and forced to accept responsibilities, legitimation does not follow marriage unless marriage precedes the birth of the child. Once a bastard always a bastard, is the accepted principle of law, in spite of the serious hardships it works on the children. In several countries marriage must be accompanied by a formal act of acknowledgment of paternity. This condition is particularly true of the nations that follow or formerly followed the Napoleonic Code, such as France, Italy and Belgium. In the Teutonic countries, the principle of legitimation is generally accepted and as a result it has been estimated that from 25 to 30 per cent of the illegitimate children are legitimated. This proportion, if true, is much higher than any that prevails in the United States, where the number of subsequent marriages is small.

According to the statutory laws of some states, whenever a man marries the mother of his child the child is thereby legitimated and endowed with all the rights that belong to the legitimate child. This privilege is frequently limited to children whose parents at the time of the child's conception were not legally barred from marrying each other. In many states marriage must be supplemented by the acknowledgment on the part of the father that the child is his. If, on the other hand, the mother marries a man other than the reputed father of the child and he refuses to acknowledge the child as his descendant, the child is not legitimated but may be adopted by him and then enter into the rights of lawful heirs. Marriage with the putative father legitimates the child whether the marriage occurred before or after confinement. In some states a child may be legitimated by judicial proceed-

ing or by formal declaration which is made a matter of record. Children are sometimes born of parents whose intermarriage is prohibited by law, for example in case the parents are closely related, are of different races, or are feeble-minded. Such marriages may be annulled and the children, if this is done, become illegitimate and cannot be legitimated through any subsequent action of the parents. In a similar way, the person who marries while a former wife or husband is living cannot have legitimate offspring. However, in some countries the children of a voidable marriage are legitimate provided the parents did not know of their disabilities.

Since the war began several European countries have recognized the former inadequacy of their laws. France in 1915 passed a law providing for the legitimation of children by the intermarriage of their parents. The most radical feature of the law, however, authorizes the marriage of soldiers or sailors by proxy, if the prospective wife is pregnant, if such marriage is necessary to legitimate a child, or for other "good reasons." Italy also has provided for marriage by proxy. In the case of both nations there is an evident desire to legitimate as many children as possible.

Many men would now deal with the question of legitimation in an entirely new way, that is by actually abolishing the status of illegitimacy. All children are to be considered the legitimate children of their natural parents whether they are born in lawful wedlock or not.

North Dakota stands unique among the states of the Union as the first and only state so far that has abolished the status of illegitimacy and that now recognizes all children as the lawful descendants of their parents. The action of this state follows that of Norway which in 1915 passed a similar law. The Russian decree of December 1917 states that children born out of wedlock are on an equality with those born in wedlock with regard to the rights and duties of parents toward children, and likewise of children toward parents. There is no evidence that the handicaps imposed on

the illegitimate child are counterbalanced by a proportionate reduction of immorality or some similar gain. Nor would the removal of discrimination make obligations to children born out of lawful wedlock desirable.

Inheritance

An illegitimate child inherits through its mother and is usually cut off from any inheritance through the father. When legitimation occurs, then, of course, the child is no longer disqualified. Inheritance through the mother is both direct and lateral. Property which would pass to the mother from her parents will, if the mother is deceased, pass on to the child. In a similar way, if an uncle or aunt of the child should die under conditions which would call for distribution of the property among the brothers and sisters of the deceased, the child's mother would be eligible for a share and the child in turn would succeed to its mother's right.

The establishment of paternity does not insure the right of inheritance. The putative father may be officially discovered and designated and be compelled to furnish maintenance for the child, but his duties extend no further and the child has no additional claims. Paternity outside lawful wedlock makes no breach in the general rules governing the great institutions of private property. Both parents may be legally known but unless they have intermarried and the child is legitimated he must take the mother's name and can inherit only through the mother. In other words the child has an official sire with some responsibility for his offspring; but the man is in no sense a real father. In this respect, therefore, the status of the illegitimate child is most precarious and leaves much to be desired.

Several American states have recently modified the restrictions against the right of inheritance. In Kansas if a father has clearly recognized a child as his the child gains the right of inheritance. In several states children may inherit when paternity has been proven. Maryland in 1912

enacted a law whereby money is to be paid from the father's estate to the unmarried mother. The sum, however, cannot exceed $500, nor more than one-half of the amount that a legitimate child would receive. The money due the woman is a definite charge against the estate and cannot be avoided. This is not strictly speaking inheritance by the child from the father, but the share which the mother may receive can be passed on to her child. Indirectly, therefore, the child may obtain possession of some of the property of his father.

North Dakota in 1917 enacted a law providing that children born out of lawful wedlock may inherit from their fathers in like manner as from their mothers. The principle, however, can apply only when the paternity has been officially established. Minnesota has also granted the right of inheritance from the father but prohibits it from relatives of either parent if no marriage has occurred. In several other states bills of a similar character have been considered but rejected. The full right to inherit from the father should eventually be established everywhere.

The Norwegian Law

More serious efforts have been made in Norway than in any other country to break away from the conventional method of handling illegitimacy and to introduce radical reforms. For many years the Norwegian parliament has been struggling with measures relating to this subject and in view of the fact that nearly one-tenth of all the births in that country were illegitimate the question was given the most earnest consideration. A bill was finally passed in March, 1915, to become effective January, 1916, which carries with it several radical changes in the treatment of the problem.[62] The customary point of view is entirely changed and the existence of illegitimacy is not recognized nor the word used in the law.

[62]Children's Bureau—Norwegian Laws Concerning Illegitimate Children.

This attitude naturally opens the way for several innovations. To begin with, the state becomes a sort of foster mother and public aid is granted to mothers, married or unmarried, for prenatal care, and also for post-natal attention for a period not exceeding six months. One of the benefits expected from this measure is a decided reduction in the mortality of illegitimate infants as well as the development of affection by the mother of her child. It should tend to keep mother and child together in a larger percentage of cases than heretofore.[68]

A second innovation is the right of the child to assume the father's name. This right, of course, is impossible so long as the putative father has not been designated, but with gradually improved facilities for the determination of this fact a large number of children will have the opportunity to escape the ignominy that to some extent attaches itself to the child bound to the metronymic system illegitimacy has in the past imposed upon it. Furthermore, it involves recognition by the father and the world begins to consider the child not only an individual whom the law has compelled the father to support, but as a real son or daughter of the man; while the man is regarded as a father instead of putative progenitor. The law requires the state, not the mother, to initiate proceedings for the support of the child, but the mother must also contribute to its support. Furthermore, the child must be supported on a plane corresponding to the financial status of the wealthier parent.

Perhaps the most radical reform is that which permits the natural child to enjoy equal inheritance with the children of lawful wedlock. A great gain has been made when inheritance through the paternal ancestry is allowed at all while equal rights are decidedly revolutionary.

Two important consequences are expected from this provision of the law. The lot of the natural child will be decided-

[68]Evangeline W. Young, Medical Review of Reviews. May, 1915. p. 284.

ly improved as under the old system little property was ever inherited. Usually, the mother was poor; frequently, she was disinherited because of her sin, and her accumulations subsequent to her downfall did not net a large sum for her child. Under the new law a higher economic status is bound to follow. In the second place, the father purchases a new obligation. If he is married he probably adds an additional child to the number already enjoying a claim on his property. That the prospect of such heirs will be a deterrent factor there can be no doubt. That occasionally the converse will be true is also likely and the man with an affinity may deliberately weigh the consequences, but the general effect will be decidedly deterring. If the putative father is single he reduces his marriageability and carries a millstone about his neck. Not only will he have lost prestige, but his judgment, as well as his morals will be impugned. He cannot escape his obligations as can the father in most countries and he has incurred a permanent liability from which only the death of the child can release him.

An interesting feature of the law is the abandonment of the principle "exceptio plurium concubentium," the nature of which has already been described. Norway now holds all of those implicated responsible and each must share the burden. Perhaps the law at this point is unnecessarily drastic. If the mother under oath names a man as the father of her child he must either acknowledge or disprove the charge. Unless non-access for a period ranging from 302 to 180 days before the birth of the child can be proven by the man or the men charged with possible responsibility for paternity, joint support is required. Under these conditions the child does not enjoy the right of inheritance from his father.

Proposals of Missouri Children's Code Commission

Perhaps the new thought can be fairly well expressed by an outline of the bills relating to illegitimacy proposed by the Missouri Children's Code Commission to the Legislatures

of Missouri in 1917, 1919 and 1921. The measures were as follows:[64]

1. An act to equalize the right of inheritance as applying to legitimate and illegitimate children.

2. An act to provide that children born out of wedlock shall be deemed legitimate after the parents marry, without formal acknowledgment.

3. An act granting to that parent of an illegitimate child whether father or mother who actually has the custody and control of the child the right to the services, and earnings and to the management of the property of such child.

4. An act providing that every child hereafter born shall be deemed the child of its natural parents, and that any interested person may institute a proceeding in the juvenile court to determine the parentage of any child under 18 years of age. Such proceeding, however, must be brought during the lifetime of the reputed parents. In all such cases the hearings may be held in private and the evidence sealed.

5. An act compelling support of an illegitimate child by its father and placing the duty of support on both father and mother.

6. An act permitting the court to compel several men who are shown to have been intimate with the unmarried mother during the period when the child must have been conceived to contribute to the support of the child provided its paternity cannot be definitely established. Proceedings in such cases are not public and the evidence is sealed.

7. An act abolishing common law marriage.

8. An act providing that child desertion shall include desertion by its parents of an illegitimate child.

9. An act requiring a legal order of the court to transfer the control or custody of a child. This bill aimed to reach

[64]Reports of Missouri Children's Code Commission, 1916 and 1918. Bulletin, Missouri, State Board of Charities and Corrections, Dec., 1920.

"baby farming" and traffic in babies by immoral and irresponsible agents.

10. An act fixing the age at which a girl may marry with her parents' consent at fifteen years.

11. An act providing for the supervision and regulation of maternity hospitals, boarding houses for infants and boarding homes for children.

12. An act raising the age of consent from 15 to 16 years.

13. An act providing for mothers' pensions, without reference to the conjugal condition of the mother.

The foregoing program is at once an evidence both of the shortcomings of individual states and the nature of a constructive program. In justice to Missouri it may be added that during the various years that these bills have been before the legislature nearly all of the principles involved have been crystallized into laws. Nevertheless, the most important of these principles as outlined in paragraph 4 has been temporarily rejected and the bill covering paragraph 6 met with such unreasonable but vigorous opposition in 1917 that it was not presented to the succeeding legislatures. Progressive thought is far ahead of legislative enactment.

In conclusion it may be safely claimed that American law and its administration have so far accomplished but little toward the solution of the problem of illegitimacy. Fathers have been designated in a small proportion of cases only; the amount of support or maintenance ordered has been woefully inadequate; the babies have been given but little attention, the children have been denied rights and opportunities, mothers have been compelled to struggle with life largely according to their own resources and the volume of illegitimacy has not been reduced. In Europe with its exorbitant rates of illegitimacy public action has been amazingly futile and unsuccessful, but some progress is being made. For both Europe and America an effective display of the possibilities of enlightened legislation is largely the work of the future. And the greatest need is an aggressive public opinion that will in-

sist on the application of the law to the offending parties. The best legislation will be utterly useless unless the people demand that the officials enforce and carry out the law. The program is intricate and unless every part of it is faithfully followed the preventive effect of legislation will be worthless. Unlawful and irregular sex relations must be made economically and socially undesirable.

CHAPTER VIII

PREVENTION

The causes of illegitimacy are largely the causes of immorality, but there is a difference, for many a trustful girl has yielded her body under conditions that hardly make possible the imputation of depraved and ignoble standards. Illegitimacy is also distinguished from immorality in that it is an objective manifestation of sex experience. Society is not easily moved by that which it cannot readily see or feel, but it is affected by the things that are tangible and objectively concrete. The problem of illegitimacy is therefore similar and yet not identical to that of immorality.

The prevention of immorality has hardly become a hope; and the prevention of illegitimacy is almost as difficult. The realization of the program will be the work of decades, if not centuries, and its details are so complicated and perplexing that an extended discussion would only confuse and obscure. Nevertheless, brief mention of the ramifications of such a program should be made in order to give a better perspective to those dealing with the unmarried mother and her child, and to give additional impetus to a number of movements that promise to strike the evil at its source and that cannot fail greatly to reduce immorality. A preventive program must have two classes or types of individuals in mind. The first is composed of the mentally or physically abnormal, who even in a creditable environment are unable to save themselves from immorality and who either become aggressive in vice or its inevitable victims. Such persons lack will power, are helpless before suggestion or possess an abnormal or perhaps an insatiable sex appetite. The second group consists of persons who are fundamentally normal in brain, physique and emotion, but who suffer through ignorance, lack of moral

and religious training, poverty, unwholesome customs and other unfavorable conditions of environment.

Remedial Legislation as Preventive Work.

In the preceding chapters we have spoken of measures dealing with men and women after acts of illicit sex intercourse have been committed. These measures are therefore largely remedial in character and aim primarily to insure the care and protection of the child. Nevertheless, a program such as outlined, if rigidly enforced, would not only protect the mother and the child and compel the father to assume a richly deserved responsibility for his extra-conjugal offspring, it would also prove a powerful deterrent and greatly lessen the prevalence of births outside of lawful wedlock.

The more fundamental preventive measures, however, do not consist of revolutionary methods of dealing with offenders, but of a constructive program with the boy and the girl before their experience with vice. Such a program would be less costly than remedial effort, but it is more difficult to put it in operation. The passion for prevention cannot be aroused until conditions have become serious; until many people have been impressed thereby, and the ineffectiveness of mere reform has been established. Although it is permanent and fundamental, the way to prevention leads through the field of remedial effort, and the goal is not easily reached.

Control of Defectives

The program to reduce illegitimacy by controlling the mentally and morally unfit includes a plan for the extended care of the feeble-minded. There is little hope of restraining this class of defectives from the practice of immorality after they have once begun illicit sex relations, and they lack foresight to weigh the consequences. Usually they are sexually well-developed and, being without sufficient will power to control their passions, they succumb to their lower instincts and become a prolific source of illegitimacy. A program of

moral education and sex instruction will not solve the problem, unless they can live in a practically perfect environment in which immoral suggestion will never tempt. Such a hope is visionary; consequently a policy of segregation and institutional care must be adopted. In the United States we have hardly begun to meet the situation since a very small proportion of the feeble-minded are now given institutional care for defectives. A larger percentage are cared for in penal institutions, insane asylums and almshouses, but segregation in these institutions is not generally permanent, and in actual fact the great majority are restored to freedom and return to society.

Perhaps two-thirds of the defectives are at large, never having been inmates of any institution, and are a direct social menace because of their mental and moral weakness. Again, the persons in institutions are to a large extent representatives of the lowest groups of the feeble-minded and the ones least liable to become parents. The greatest danger arises from the excesses common among the high-grade imbeciles, the morons and the border-line cases. To the superficial observer the majority of these are normal; although recent investigation clearly shows that they lack the qualities necessary for the perpetuation of virtuous manhood or womanhood. The weak-minded males are less dangerous than the females, because they cannot easily seduce normally-minded women while the weak-minded females are the constant prey of men from many walks of life. The feeble-minded of both sexes mingle with each other to some extent and in so far as this condition exists the male element is also a dangerous factor. But it is extremely hazardous to permit the weak-minded females to remain at large, and institutional care should, therefore, be provided for them even though under normal conditions they are able to maintain themselves. Such a step involves public care of thousands of women, but in the long run it will greatly reduce the burdens of society through the elimination of much poverty, feeble-mindedness, crime

and illegitimacy. Furthermore, colonies composed of women of this type can be made almost entirely self-supporting. If so, the cost to the public would be reduced to a minimum. Every state should at once take steps to segregate feeble-minded women of child-bearing age and provide facilities for their employment under the best conditions possible for their happiness and welfare. Steps should then be taken to safeguard society against feeble-minded boys and men. Compulsory commitment laws should be enacted, thereby enabling a community to protect itself at all times against any feeble-minded person. Institutions must of course exist to make such laws practicable.

Every age of consent law should carry a clause providing that any man having carnal relations with a feeble-minded girl or woman of any age is guilty of rape and shall be punished accordingly. The state of New Mexico has a provision of this kind in its law, the term "imbecile" being used to designate the feeble-minded. If the girl with a child mind can be protected from exploitation much immorality will be prevented. However, at this time the enforcement of such a law is fraught with serious difficulties; judges deal lightly with offenders; juries sympathize with immoral men and adequate machinery for determining mentality exists in few localities. Nevertheless, legislation must be pressed, both to segregate the girl and to protect the woman at large.

The second type of abnormal individual in urgent need of attention is the sex pervert, whether male or female. The male is dangerous as a possible criminal; the female as the purveyor of disease, and the mother of illegitimate children. Already several states provide for the asexualization or sterilization of certain criminals guilty of serious offenses against sex. It would be well if all perverts could either be definitely segregated or sterilized and rendered harmless. There is no doubt that some women fall into this class and that many prostitutes, inmates of reformatories for girls and women, and even delinquent girls placed on probation by the courts

should be carefully examined and classified, and the perverts among these groups sterilized or detained as long as society needs protection against them. Unfortunately, sentiment at this time practically nullifies the sterilization laws now on the statute books. Nevertheless, the penalty proposed is a logical remedy for persistent crime against sex and can justly be applied to the sex pervert at least, if not to offenders confined for other causes.

Constructive Measures

A program or policy of segregating the dangerous and unfit, or of rendering them harmless, must be supplemented with an effective plan of personal work which involves the development of high standards of morals and adequate knowledge of sex and its meaning, and which makes fit all those having capacity for normal life. Without doubt this classification includes the great majority of individuals.

A. **Individual Training.** There are a great many environmental conditions, especially in our large cities, that tend to break down moral fiber, yet it is only too clear from general observation that high moral principles and ethical conduct are not taught our young people in such a manner or to such an extent as will make them resistant to the pressure of vice. The churches, schools, and parents—all have fallen short of their opportunity. Religion has failed partially because of a tendency to teach abstract morals instead of making precept definite and concrete. The schools have largely avoided mention of sex life and many parents have not been adequately fitted to deal intelligently with the problem.

It is necessary to develop sound morals and capacity for resistance to temptation. Without doubt the teaching of personal and sex hygiene may stimulate the desire for right living and promote habits of upright conduct. Especially is this true if emphasis is placed on the social and moral obligation to remain pure. But something more than sex knowledge

is necessary; the knowledge must be inspired and energized by moral fervor; otherwise immorality may not even seem a menace. Virtue is desired not because vice involves the danger of loathsome disease, but because it is necessary for the greatest good. Fear of the physical consequences is not a compelling deterrent from the acts that lead to illegitimacy. It may indeed deter many who would otherwise patronize the prostitute. Although many unmarried mothers are diseased, illegitimacy is after all a phenomenon manifesting itself among a group but few of whom are engaged in commercialized vice. Accordingly, sex ideals are relatively more important in reducing the evil, and high standards of ethics must be created alike among boys and girls. "Honor your neighbor's sister as your own" is a motto boys must learn, while girls must be taught the danger of the petty and insinuating temptations they place before the boys. The single standard of morals must be energetically taught and the fallacy of sex necessity exploded. However, a large proportion of the men of today are unable because of their own delinquencies to participate effectively in the carrying out of this program.

The author believes that sex and moral education are closely inter-related, and that the churches must assume a share in the task of developing in our young people the needed moral stamina. Although the statistics show that in the past a particular religion has had but little effect on the prevalence of illegitimacy, without doubt the socialized religion of the future can become a powerful factor. There are many church organizations, some of which at least can definitely share in this program.

In a similar way the inactivity of the school must be succeeded by an appropriate plan of sex instruction and effective moral training. We are probably unable as yet to subscribe fully to any concrete plan of sex education; nevertheless, some of the elementary principles are well established and much good work may be done. In some localities con-

siderable immorality has been unearthed among the older or high school children. Whether it is greater than that existing among working children of equal age is quite immaterial. We ought to insist that our schools, either in a formal way through ethical instruction or in an informal manner by actually imparting the genuine ethical contest, promote such standards as will practically eliminate immorality among this class of young people.

The influence of parents over their daughters is indicated partly by the high rate of delinquency among girls coming from broken homes. Still, mothers have not taken daughters sufficiently into their confidence and their diffidence in discussing sex problems has greatly hindered the growth of vigorous ideals among girls.

The direct influence of the father is largely limited to the influence of example, or at least apparent example, and not of precept. Nevertheless he vehemently condemns the misstep which his daughter may have taken. Boys need to find companions in their fathers, men whom they can trust, who will teach personal purity and who will demand right standards of conduct. Intemperance, immorality, profanity and vulgarity among men contribute largely to debased ideals among boys. Surrounded by such influences young men easily plunge into immorality.

There are other agencies that can directly influence the character of our youth. Among these are our social hygiene societies, boards of health, civic and social agencies, young people's organizations, physicians, etc. In many cases, however, they do not directly touch our young men and women but influence parents, teachers and others; and these in turn bring the message to the young people. The social hygiene societies which at first limited their discussion almost exclusively to the physical effects of immorality have gradually increased the emphasis placed on the duty of right living. All successful work must combine moral with sex hygiene.

The direct effort with boys and girls succeeds only as

capacity is developed to withstand suggestion and importunity. The weakness of many young women has been disclosed by statistics. Deception is a factor of alarming importance. Sex knowledge, will power, high ideals, a single standard of morals, an understanding of the tempter's devices—these are the attainments needed to protect young women and to stabilize the character of the young men.

B. **Improvement of Environment.** The influences that develop habits and conduct are subtle and intricate. Besides the direct instructional agencies discussed in the foregoing pages are the environmental influences such as employment, leisure, recreation, housing conditions, associations, neighborhood influences, poverty and intemperance. These factors work indirectly but unfailingly. If they are uplifting the results will be good; if not, vice and immorality will certainly follow. Probably no better illustration of this fact can be given than the remarkable success achieved in some of the army camps. The secret of the success lay in the character of the daily routine of life. Work was followed by judicious systems of recreation and amusement, while uplifting influences constantly abounded. As a consequence the venereal disease rate was greatly reduced, and in so far as sex irregularity has been eliminated the rate of illegitimacy throughout the country has been affected.

One of the chief character builders or destroyers is the use made of leisure time. The recreational life of the mentally and morally immature is particularly important because plastic character yields easily to external influences. To meet this problem two important developments are necessary; first the promotion of a comprehensive scheme of recreational activities which will attract and hold the interest of young people; and second, the control and supervision of the commercial amusements, particularly the dance hall, moving picture and cheap theater. The first part of this program involves a wide extension of public recreational facilities.

Schools must be generally used as social centers and mixed dancing allowed therein. Civic centers must be established; small parks must be conveniently located throughout our large cities and provisions for recreation be enlarged in all parks. In most cities the leisure of young people receives much less attention than that of children. Playgrounds for the very young have been established almost everywhere, but individuals from 16 to 21 years of age have received but scant attention, yet it is precisely this group of persons who must be wisely directed if illegitimacy is to be reduced. The failure of public and philanthropic agencies to make adequate provision for them drives the young people into the arms of the commercial recreations.

The public dance hall contributes greatly to the volume of illegitimacy and must therefore be carefully supervised. As with the dance hall so with other commercial amusements. The mind that is relaxed must not be filled with immoral thoughts; the feet that are idle must not be lured by seductive voices. The busy person cannot sacrifice the time to become immoral, the unhampered devotee of recreation easily finds the leisure and the opportunity for wrong-doing. Every recreation should therefore stimulate and inspire so that the emotions produced may be transformed into reputable forms of conduct. To produce this result careful supervision of recreation and amusement is necessary as well as a definite policy for the gradual socialization of recreation.

It is necessary to make employment safe for young women. The domestic servant must have better opportunities for self-expression and obtain a more reputable social status. The temptations surrounding office girls are productive of much immorality. A cleaner atmosphere must be provided. Girls cannot be allowed to engage in morally hazardous occupations, such as the messenger service. Young girls must be prohibited from following the allurement of stage life.

Wherever the environment of work and occupation is a moral menace prohibitory measures must be adopted.

The lack of privacy is a most unfortunate handicap. The children from a one-or-two-room apartment become inured to indelicacies, the effects of which coarsen and harden and often unloosen the restraint on sex experience. Bad housing conditions must be prevented. Congestion in the home is demoralizing. Whether poverty or low ideals are the causal factors their removal is necessary properly to conserve the morality of the growing child life of a community. Congested homes frequently imply bad associations. The high rate of juvenile delinquency in the slums and the relatively low standards among girls are partly due to the debasing effects of neighborhood influences. One bad boy or girl can demoralize a group and to prevent the latter from contamination he or she must be isolated, avoided or reformed. Men and women are a large part of the environment of other men and women. The most immediate program of effort consists of neighborhood or community work through settlements, institutional churches, civic and social centers. This must be supplemented with a well-developed program of better housing. If these aims are accomplished the destructive forces of a community will greatly decline and the tendency to illicit sex intercourse be reduced.

CONCLUSION

It would be unwise to attempt the presentation of a complete program because sufficient social information to make this possible has not yet been obtained. Furthermore we can hardly hope to prevent all immorality so long as human beings are erring and wayward. Even the entire transformation of our social and economic fabric would not realize this hope. The present duty is to make a beginning. The remedial program should be pushed with the utmost vigor. Sentiment must be created to make it a reality and to insist on its perpetuation. Unless we are vigilant the

laws will be nullified or disregarded. Vigorous action in some German cities is said to have brought into existence a society for the protection of putative fathers. Public opinion must be so aroused that the fathers of illegitimate children will not venture to evade their obligations.

Because of its far reaching consequences the program for the control of defectives is making rapid progress. Social agencies are unanimous in their demand for greater institutional facilities and for stricter surveillance of the feeble-minded. Sentiment is growing in favor of the compulsory commitment and detention of mental defectives. This measure is being urged by the social workers because of its eugenic advantage as well as its effects on illegitimacy.

The constructive program that deals directly with the normal individual or his environment is confronted with tremendous obstacles. To begin with, this program with some modifications, is also the line of effort demanded for many other reforms, and while it will receive the support of those interested in preventive work it will be strongly opposed by the anti-social elements. In the second place, it involves fundamental changes in our methods, activities and even social organization, and will, therefore, be opposed by the reactionary groups. Illegitimacy is not an isolated phenomenon, but is inextricably bound up with other social problems. notably with the never-ending problem of commercialized vice. Nevertheless, it presents features peculiar to itself, and for this reason justifies separate consideration and even a statement of plans for its gradual elimination. However, plans which purpose to control sex passion and subject it to social and ethical considerations are changeable and must be adapted from time to time.

Emphasis should be limited here to the need of higher standards of morality and to the fact that the time is ripe for active work. Nothing could have given the subject of illegitimacy more attention than the great war, now happily over,

Never before have the people been so ready to carry out a program of action. Accordingly, leaders and a plan of work must be provided and the evil itself reduced if not eliminated.

SELECTED BIBLIOGRAPHY

BOOKS

ANTHONY, KATHERINE—*Feminism in Germany and Scandinavia.* N. Y., 1915.

BAILEY, W. B.—*Modern Social Conditions.* N. Y., 1906.

BLISS, W. D. P.—(editor) *New Encyclopedia of Social Reform.* N. Y., 1908.

CHESSER, ELIZABETH S.—*Woman, Marriage and Motherhood.* N. Y., 1913.

DRAHMS, AUGUST—*The Criminal.* N. Y., 1900.

ELLIS, HAVELOCK—*The Task of Social Hygiene.* Boston, 1914.

ENGEL, SIGMUND—*Elements of Child Protection.* N. Y., 1912.

FRANCE—*Statisque International du Mouvement de la Population Annees* 1901 à 1910. Paris, 1913.

GALLIGHAN, CATHERINE—*Motherhood and Relationship of the Sexes.* N. Y., 1917.

GODDARD, H. H.—*Feeble-Mindedness, its Causes and Consequences.* N. Y., 1914.

GREAT BRITAIN—*Royal Commission on Poor Laws.* London, 1909.

HART, H. H.—*Preventive Treatment of Neglected Children.* N. Y., 1910.

HOFFMAN, FREDERICK—*Race Traits and Tendencies of the American Negro.* N. Y., 1896.

KAMMERER, PERCY G.—*The Unmarried Mother.* Boston, 1918.

LANGE, AUG.—*Die Unehlichen Geburten in Baden.* Karlsruhe, 1912.

LEFFINGWELL, ALBERT—*Illegitimacy.* London, 1892.

LINDNER, FREDERIC—*Die Unehlichen Geburten als Social Phänomen.* Leipsic, 1910.

MAYO-SMITH, RICHMOND—*Statistics and Sociology.* N. Y., 1904.

MECKLIN, J. F.—*Democracy and Race Friction.* N. Y., 1914.

NEWSHOLME, ARTHUR—*Elements of Vital Statistics.* London, 1899.

ROSS, E. A.—*South of Panama.* N. Y., 1915.

SLINGERLAND, W. H.—(editor) *A Child Welfare Symposium.* N. Y., 1915.

STUNTZ, HOMER—*South American Neighbors.* N. Y., 1916.

TREDGOLD, A. F.—*Mental Deficiency.* N. Y., 1914.

WERNER, O. H.—*The Unmarried Mother in German Literature.* N. Y., 1917.

WOODS *and* KENNEDY—*Young Working Girls.* N. Y.

YOUNG, ALFRED—*Catholic and Protestant Countries Compared.* N. Y., 1895.

ARTICLES, PAMPHLETS AND REPORTS

ABBEY, CHARLOTTE—*Illegitimacy and Sex Perversion.* A Child Welfare Symposium, edited by W. H. Slingerland, N. Y., 1915.

ADDAMS, JANE—*Disturbing Conventions.* The Survey. Oct. 7, 1916.

AMERICAN ASSOCIATION *for the Study and Prevention of Infant Mortality,* Annual Proceedings of.

AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW. *20 ed. Supplement Vol.* V.—Article on Bastardy.

AMERICAN STATISTICAL ASSOCIATION, *Publications of*—No. 54, June, 1901. p. 314.

ANTHONY, KATHERINE—*Norway's Treatment of the Illegitimate Child.* The New Republic, Aug. 21, 1915.

---------- *Public Opinion on the Subject of War Babies.* The New Republic, May 8, 1915.

---------- *Outlawed Children.* The New Republic, Feb. 10., 1917.

ARONOVICI, CAROL—*Unmarried Girls with Sex Experience.* Philadelphia, Pa.

BABBITT, ELLEN C.—*The Foundling Asylum and the Unmarried Mother.* American Assn. for the Study and Prevention of Infant Mortality, 1913.

BOROSINI, VICTOR—*Problem of Illegitimacy in Europe.* Journal of American Institute of Criminal Law and Criminology, July, 1913.

BOSTON CONFERENCE *on Illegitimacy,* Studies of—1914.

---------- *A Manual of Laws Relating to Illegitimacy in Massachusetts.*

BOWEN, LOUISE B.—*Court Work with Illegitimate Families.* Report of Municipal Court, Philadelphia, 1915.

---------- *For Unmarried Mothers.* The Survey, October 20, 1914.

BRITTANICA, ENCYCLOPEDIA—*Article on Illegitimacy.*

CHARITIES—*Holland's Care of Helpless Mothers.* Vol. 20, June 27, 1908.

CATHOLIC ENCYCLOPEDIA—*Article on Illegitimacy.*

CLEVELAND CONFERENCE *on Illegitimacy. The Unwed Mother and Her Child,* 1916.

CYCLOPEDIA OF LAW AND PROCEDURE—*Article on Bastardy.*

DONAHUE, A. M.—*The Case of an Unmarried Mother who has cared for Her Child and Succeeded.* National Conference of Social Work, 1917, p. 282.

EDINBURG REVIEW—*Marriage and the Law of Bastardy.* July 22, 1915.

ENGLAND AND WALES—*Seventy-third Annual Report of the Registrar General of Births, Deaths anl Marriages.*

ESSEX, LOU R.—(See Mangold, G. B. and Essex, Lou R.)

FINKELPEARL, MRS. HENRY—*The Problem of the Illegitimate Child.* In A Child Welfare Symposium, edited by W. H. Slingerland

FISHER, H. M.—*The Legal Aspects of Illegitimacy.* National Conference of Social Work, 1917, p. 294.

HART, H. H.—*The Illegitimate Child.* American Association for the Study and Prevention of Infant Mortality, Proceedings of—1911.

---------- *The Illegitimate Child and its Place in the Community.* Juvenile Court Record (Chicago) June, 1910

---------- *The Illegitimate Child.* The Child. (Chicago) August, 1912.

HARRISON, A.—*For the Unborn.* English Review. Vol. 20, May, 1915.

HARTLEY, C. G.—*The Unmarried Mother.* English Review. Vol. 18., 1914.

HENRY, A.—*Wards of the State in Australia.* Charity. Vol. 20. June 6, 1908.

HOMES AND HOSPITALS—Special reports of—
Crittenton Homes
Foundling Asylums
Maternity Hospitals
Salvation Army Rescue Homes

HOSFORD, GEORGE L.—*The Unmarried Mother and Her Child.* Christian Service Magazine, January and February, 1920.

INDIANA, *Report of State Board of Charities,* especially for 1909 and 1910.

INDIANA UNIVERSITY—*Reports of Department of Social Service.*

INTERNATIONAL COUNCIL OF WOMEN—*Women's Position in the Laws of the Nations.* Karlsruhe, 1912

INTERNATIONAL ENCYCLOPEDIA—*Article on Illegitimacy.*

JAMES, E. R.—*Some Aspects of the Status of Children in Missouri.* University of Missouri Bulletin. Vol. 17, No. 2.

JEWISH ENCYCLOPEDIA—*Article on Illegitimacy.*

JONES, CHENEY C.—*To Protect the Unmarried Mother and Her Child.* Social Bulletin. Cleveland, 1914.

LANE, W. D.—*Just Flickerings of Life.* The Survey. May, 1916.

LAUGHLIN, CLARA—*Fatherless Babies.* Pearson's Magazine. February, 1915.

LUNDBERG, EMMA O.—*Illegitimacy in Europe as Affected by the War.* National Conference of Social Work, 1917, p. 299.

MANGOLD, G. B.—*Unlawful Motherhood.* The Forum. March, 1915.

MANGOLD, G. B. *and* ESSEX, LOU R.—*Illegitimate Births in St. Louis.* Published by the Missouri School of Social Economy, 1914.

MACBOY, W. L.—*Law of Pennsylvania Relating to Illegitimacy.* Juvenile Criminal Law. Nov. 7, 1916.

MASSACHUSETTS, *Annual Reports of State Board of Charity.*

MASSACHUSETTS GENERAL HOSPITAL, *Reports of Social Service Departments of.*

MINNESOTA CHILD WELFARE COMMISSION, *Report of.*

MINNESOTA, *Reports of State Board of Control.*

MISSOURI CHILDREN'S CODE COMMISSION, *Reports of,* 1916 and 1918.

MISSOURI STATE BOARD OF CHARITIES AND CORRECTIONS.. Bulletin, Dec., 1920.

MOORE, HOWARD—*The Care of Illegitimate Children in Chicago.* Juvenile Protective Association of Chicago, 1912.

MURPHY, J. PRENTICE—*Illegitimacy and Feeble-Mindedness.* Mental Hygiene, October, 1917.

---------- *The Unmarried Mother and Her Child.* Ohio Bulletin of Charities and Corrections. June, 1918.

---------- *Mothers—and Mothers* The Survey. May 2, 1919.

NATIONAL CONFERENCE *of Charities and Correction, Proceedings of*—1915.

NATIONAL CONFERENCE *of Social Work, Proceedings of*—1917, 1918, 1919, 1920, 1921.

NATIONAL COUNCIL *for the Unmarried Mother and Her Child,* Report of (London)

NATIONAL PRISON ASSOCIATION, *Proceedings of*—1910. Indianapolis.

NEW HAMPSHIRE—*Report of the Children's Commission.* 1914.

NEW YORK—*Report of State Board of Charities,* Annual.

NIXON, J. W.—*Some Factors Associated with the Illegitimate Birth Rate.* Journal of the Royal Statistical Society. Vol. 77, July, 1914.

OTTENBERG, LOUIS—*Fatherless Children of the National Capital.* The Survey, Jan. 30, 1915.

PALZER, N. J.—*Handbook of Information on Non-Support, Desertion and Illegitimacy. Charity Organisation Society,* New York City.

PARMETER, MRS. LAURA S.—*The Case of an Unmarried Mother Who Has Cared for Her Child and Failed.* National Conference of Social Work, 1917, p. 287.

REPORTS OF VITAL STATISTICS *of Cities and States,* Annual.

ROWLANDS, E. B.—*Legitimation by Subsequent Marriage.* Fortnightly 107, March, 1917.

SHEFFIELD, ADA S. (See Boston Conference on Illegitimacy).

SMITH, MRS. E. L.—*Unmarried Mothers.* Harper's Weekly. Vol. 58. Sept., 1913.

SMITH, ROSSIE C.—*The Love Child in Germany and Austria.* English Review II, June, 1912.

SOCIAL HYGIENE. New York.

SOCIETIES, PHILANTHROPIC—*Annual and Special Reports of*, especially
Boston Children's Aid Society
Children's Bureau of Philadelphia
Massachusetts Society for Prevention of Cruelty to Children
New York State Charities Aid Association

SOCIETY FOR HELPING DESTITUTE MOTHERS AND INFANTS (Boston) Annual Report, 1917-18.

SURVEY, THE—New York.

TARBELL, IDA M.—*The Court of Hope and Good Will.* American Magazine. January, 1914.

TOWNLEY-FULLAM, C.—*Moral and Social Aspects of Illegitimacy in Hungary.* The Forum, Vol. 50.

TROUNSTINE, HELEN S.—*Illegitimacy in Cincinnati.* Helen S. Trounstine Foundation, 1919.

UNITED STATES—

Bureau of the Census. *Birth Statistics*, 1918. 4th Annual Report.

Bureau of the Census. *Marriage and Divorce.*

Children's Bureau. *Infant Mortality Series.*

No. 3. *Result of a Field Study in Johnstown, Pa.*

No. 4. Montclair, N. J. *A Study of Infant Mortality in a Surburban Community.*

No. 6. *Results of a Field Study in Manchester, N. H.*

Dependent Defective and Delinquent Classes Series.

No. 3. *A Social Study of Mental Defectives in New Castle County, Deleware.*

No. 9. *Illegitimacy As a Child Welfare Problem.* Part I.

No. 10. *Illegitimacy As a Child Welfare Problem.* Part II.

Legal Series.

No. 1. *Norwegian Laws Concerning Illegitimate Children.*

No. 2. *Illegitimacy Laws of the United States and Certain Foreign Countries.*

Conference Series.

No. 1. *Standards of Child Welfare.*

No. 3. *Standards of Legal Protection for Children Born Out of Wedlock.*

Woman and Child Wage Earners in the United States.
Vol. VIII. *Juvenile Delinquency and Its Relation to Employment.*
Vol. XV. *Relation Between Occupation and Criminality of Women.*

VIRGINIA STATE BOARD OF CHARITIES AND CORRECTIONS. *Mental Defectives in Virginia,* (1915).

VOGT, PAUL L.—*A Rural Survey in Southeastern Ohio.* Miami University Bulletin. Series XI. No. 8, 1913.

WAKEFIELD, SIR CHARLES CHEERS—*The Care of the Unmarried Mother and Her Child.* The Child. (London), March, 1919.

WATSON, AMY E.—*Enforcing Support of Illegitimate Children.* Cooperation. Philadelphia, December, 1915.

---------- *The Illegitimate Family.* Annals of the American Academy of Political and Social Science. May, 1918.

WEBB, A. D.—*The New Dictionary of Statistics.* London, 1911. Article on Birth Rates.

WEIDENSALL, JEAN—*The Mentality of the Unmarried Mother.* National Conference of Social Work. 1917, p. 287.

WISCONSIN VICE COMMITTEE—*Report and Recommendations of,* 1914.

WOMEN'S DIRECTORY *of Montreal,* 1919.

YEARBOOKS *of Various Foreign Cities and Countries.*
Australia—Statistics for the years 1901-13.
Japan, 1916.
Statesman's Year Book. London.

YOUNG, EVANGELINE W.—*Progress in the Treatment of Illegitimacy.* Medical Review of Reviews. May, 1915.

LAWS CONCERNING CHILDREN BORN OUT OF WEDLOCK—(The so-called Castberg Law). Published by:
The Chicago Women's Club.
Women's City Club of Chicago.
Chicago Women's Aid Society.
Eugenics Education Aid Society.

INDEX

Abortion 80
Abortionist, methods of 80
Adoption, of illegititimate children 84
Massachusetts law on 151
Through maternity homes 84
Advertisements by maternity homes 83
Age of consent 134-141
evolution of law on 141
meaning of 135
proper 139
reasons for 136-8
relation of, to sex instruction 139
Age of consent law 135
grading of punishment under 144
in England 134
in the U. S. 143
provisions of 140
qualified age limits in 142
Age of putative fathers 76
Age of unmarried mothers 60, 62
Alcohol 55
Almshouses, illegitimate births in 44
Aronovici, Carol 45
Australia, illegitimacy in 38, 62
pre-nuptial relations in 38
Austria, guardianship law in 169
Baby-farm 88
Baden, age of unmarried mothers in 60
Baltimore, home conditions of unmarried mothers in 47
Bastard, discrimination against 129
Bastardy law, administration of, ... 152-167
enforcement of 153
nature of 152
suits brought under 154
weaknesses of 167
Bavaria,
illegitimacy and religion in 72
relation in, of illegitimacy to city life 73
Berlin, illegitimacy and occupation in 64
Betrothals 38
Birth registration, methods of 147
model law on 146
Birth registration area 14, 23
Borosini 75, 131, 168
Boston, home conditions of unmarried mothers in 50
illegitimacy in 19, 33
putative fathers in 78
religious affiliations of unmarried mothers in 72
Boston Conference on Illegitimacy 50, 104, 156
Breast feeding 110
Broken homes 48
Buda-Pesth 39
Bureau of the Census 20
Cash settlements 160
Catholicism 72
Census, Bureau of the 20
Chicago, bastardy cases in 157
birth registration in 147
broken homes among unmarried mothers in 49
disappearance of babies in 89
illegitimacy in 33
maternity homes in 33
Chicago Juvenile Protective Association 89
Child desertion law 170
Child-caring agencies, methods of 103

Children, illegitimate. See illegitimate children
Children's Bureau 22, 27
Christian Service League 128
Church, sex and moral education by 189
Cincinnati, putative fathers in 77
Cities, rate of illegitimacy in 73
Civil procedure in bastardy cases 154
Cleveland, occupations of unmarried mother in 69
Colorado, age of consent in 141
Commercial maternity homes 34, 82
Common law marriage, argument against 29, 174
legality of 29
prohibition of 174
Compensation under bastardy laws ....156 ff
Conferences on illegitimacy 108
Confinement, place of 33
Connecticut 16
Country life and illegitimacy 73
Crime, bastardy classified as, in Pennsylvania and Massachusetts 153
Criminal procedure in bastardy cases 153
Criminality among illegitimate children 130
Crittenton homes 97
Defectives, age of consent law applied to 187
compulsory commitment of 187
control of 186
Delaware, age of consent law in 135
Delinquency, juvenile, among illegitimate children 130
Desertion law, child 170
Discrimination against bastards 129
District of Columbia, registration of illegitimate births in 147
Domestic relations courts 164
Domestic service, relations of, to illegitimacy ....68ff.
improved status of 192
Double standard of morals 2, 5-7
Drahms, August 130
Dresden, guardianship of illegitimate children in 168
Drunkenness 55
Engel, Sigmund 131
England, age of consent in 140
common law marriage abolished in 40
decline of illegitimacy in 17
infant mortality in 120
rate of illegitimacy in 17
English Poor Law Commission 48, 97, 122, 166
Europe, illegitimacy in 28
Exceptio plurium concubentium 161
principle of, abolished in Norway 180
Fathers, putative, age of 76
civil conditions of 77
occupations of, in Boston 78
occupations of, in St. Louis 78
Feeble-mindedness, control of 185
hereditary character of 43
in Virginia 43
institutional care of 186
relation of, to illegitimacy 41
Females, excess of marriageable 75
Foreign-born, illegitimacy among 21, 25
Foundling asylum 92
Foundlings 110

France, delinquency among illegitimate children in 130
illegitimacy in 73
Napoleonic Code modified in 153
German Civil Code 166
Germany, guardianship plan in 118
illegitimacy in 28, 64-67
infant mortality in 118
occupations of unmarried mothers in 64
Girls' Protective Association, St. Louis 54
Goddard, H. H. 43
Guardianship, public, of illegitimate children 168
in Austria 169
in Germany 169
in Minnesota 170
Healey, Dr. 56
Heredity, relation of, to illegitimacy 36
Home conditions among unmarried mothers .....48ff.
in Baltimore 47
in Boston 50
in Philadelphia 50
unwholesome 50
Home training, defective 47
Homes, broken, among unmarried mothers 50
Hospitals, maternity 98
municipal 94
private 98
rehabilitation methods of 95, 99
Housing conditions, among the poor 52
need of improving 193
Ignorance, illegitimacy due to 48
Illegitimacy, attitude toward 1
causes of .....36ff.
causes of, in Europe 36
computation of rates of 15
decline of, in England 17
increase in 26
rate of: according to race 21
among foreign born 21
in Australia 38, 62
in Europe 28
in Ontario 74
in registration area 21
in U. S. 14-27
in various cities 23
relation to, of domestic service 68
of drunkenness 55
of feeble-mindedness 41
of home conditions 47, 50
of ignorance 48
of low ideals 49
of occupation 64
of overcrowding 51
of proportion of unmarried persons 75
status of abolished, in North Dakota 128
in Norway, ...179
Illegitimate birth, concealment of record of 146
early records of 15
in Europe 28
in United States 14-27
registration of 21
still births among 116
Illegitimate children, application of desertion law 170
dependency of 125
diseases among 120-1
inheritance of 177
mortality among 119
public guardianship of 168
right of, to father's name 179
Immorality, prevention of 184
Indiana, baby farms in 88
supervision of maternity homes in 150

Infant mortality among illegitimate children 118
causes of 122-4
Infirmary, state, in Massachusetts 45
Inheritance, North Dakota law on 178
Norwegian law on 179
right of illegitimate child to 177
Ireland 53, 71
Jews, illegitimacy among 39, 72
Johnstown, Pennsylvania, illegitimacy in 25
Juvenile Protective Association, Chicago 89, 157
Kammerer, causes of illegitimacy according to 57
on age of unmarried mothers 62
on occupations of unmarried mothers 69
Lange, August 65
Leffingwell, Dr. 36, 71
Legislative reform 145-183
Legislation, age of consent 185
birth registration 146
to prohibit common law marriage 174
to provide equal inheritance 177
Legitimation, amount of 130, 175
in Europe 175
in North Dakota 176
laws relating to 176
Legitimate births, still births among 116
Legitimate children, infant mortality among 119
Leipsic, guardianship of illegitimate children in 168
Leisure time, control of 191
effects of unsupervised 53
Lindner, on relation of illegitimacy to religious affiliation 71
London 73
Low ideals 49
Magdalen homes, feeblemindedness in 46
Marriage, common law 29, 40, 174
of parents of illegitimate child 111
Massachusetts, adoption law in 127
bastardy law in 153
illegitimacy in 15
Massachusetts state board of charity, care of unmarried mothers by 83
births in 33
charges of 85
commercial 82
supervision of 150
Maternity hospitals, social service methods of 99
Mental defectiveness, examination for 42, 45
Mentality, and illegitimacy 42, 132
low 41
Michigan, registration of births in 18
Migration of unmarried mothers 31
Milwaukee 69
Minnesota, bastardy law in 169
provision for return to state of fugitive father 159
recording illegitimate births in 149
state board of control in 162
Missouri, legislation in 180
Missouri Children's Code Commission, measures proposed by 181
Missouri School of Social Economy 51, 126

Moral Responsibility, age of 134
Mothers, age of unmarried 60, 62
occupation of unmarried 68-70
Mothers' and babies' home 107
Mothers' Pension law, service of, to unmarried mothers 181
Munich, delinquent girls in 131
Napoleonic Code, inquiry into paternity prohibited by 152
Nebraska, Supreme Court of 142
Negroes, illegitimacy among 21, 60
migrations among 33
New Mexico, age of consent law in 187
New York, dependent children in 125
Nixon, J. W. 38, 70
North Dakota, status of illegitimacy abolished in 178
Norway, advanced legislation in 178
status of illegitimacy abolished in 179
Occupations of unmarried mothers, in Baden 66
in Berlin 64
in Cleveland 69
in St. Louis 69
in United States 68
Ohio 60, 74
Ohio Supreme Court 135
Ontario, illegitimacy in 74
statistics of towns in 74
Overcrowding 51
Paternal support of illegitimate child, need of laws enforcing 156
Paternity, determination of 153 ff.
Pennsylvania, bastardy law in 153
Pension and insurance laws, provision for illegitimate children under 172
Pensions, mothers' 172
Persons, C. E. 57
Philadelphia, bastardy cases in 159
race distribution of unmarried mothers in 25
statistics in, relating to putative fathers 76
Placing out of illegitimate children, value of 105
Pregnancy, first 30-1
Pre-natal care 109
Pre-nuptial relations, in Australia 38
in Germany 38
Preventive work 184
Previous immorality 30
Prostitutes, illegitimate origin of 131
Protestant countries 72
Public dance halls, relation of, to illegitimacy 53, 192
Putative fathers. See Fathers.
Rape 135
Rate of illegitimacy, decrease of, in England 17
how computed 15
in Europe 28
in United States 27
records of the 15
Recreation, need of 191
unwholesome, and illegitimacy 53
Registration of illegitimate births, in District of Columbia 147
in Missouri 146
need of 148
practice concerning, in various cities 149
Rehabilitation, of unmarried mothers ....110ff.
failure to effect 112

Religion and rate of illegitimacy 72
Religious training, general effects of 58
need of 97
Rescue homes, character of 96
English 98
Royal Commission on Poor Laws, English 122
opinion by, on rescue homes 97
recommendations of, relating to care of illegitimate children 166
Russia 176
St. Louis, broken homes in 126
illegitimacy in 23-4
migration of unmarried mothers in 31
occupation of unmarried mothers in 69
putative fathers in 78
Salvation Army rescue homes 97
Sanitaria, purpose of 126
well-to-do girls in 127
Schools, social centers in 191
sex instruction in 189
Segregation of feeble-minded 187
Settlement laws and migration of mothers 163
Sex impulse 10
Sex instruction, need of 188
Sex irregularity 30
Sex necessity 8
Sex pervert, treatment of 187
Sexual suggestibility 10, 56
Single standard of morals 189
Social centers 191
Social hygiene societies 190
Standard, double, argument against 8
reasons for existence of 5ff.
Sterilization, of perverts 187
Still births, causes of 117
number among illegitimate 116
proportion of, to all births 116
Syphilis, among illegitimate children 120
among unmarried mothers 30
Toronto 74
Townley-Fullam 39, 72
Tredgold, Dr. 46
Trounstine, Helen 128
United States, age of consent in 143
age of unmarried mothers in 60-62
birth registration in 15, 21
illegitimacy in 14-27
pension and insurance law in 172
relation in, of urban and rural life to illegitimacy 74
still births in 116
United States Children's Bureau 22
Unmarried fathers. See Fathers.
Unmarried mothers, age of 60-62
diseases among 30
home conditions of ..... 48ff.
mentality of 46
migration of 31
occupational distribution of 68
previous sex irregularity of 30
rehabilitation of ..... 110ff.
separation of babies from 128
well-to-do 127
Virginia, illegitimate families in 44
Virginia State Board of Charities, Report by, on feeble-mindedness 43
Virtue 8
Washington, D. C., birth registration in 147

still births in 116
unmarried mothers in 60
Weidensall, Jean 41, 45
White population in United States, illegitimate births among 24
William the Conqueror 140
Wisconsin Vice Committee 69
World War, effect of, on illegitimacy 58